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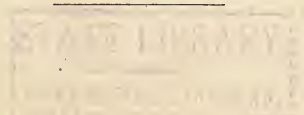
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JOURNAL  
OF THE  
INDIANA STATE SENATE,  
DURING THE  
FORTY-THIRD SESSION  
OF THE  
GENERAL ASSEMBLY,

COMMENCING THURSDAY, JANUARY 8, 1863.



INDIANAPOLIS:  
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15434

April. 1. 1889

# JOURNAL

OF THE

## SENATE OF INDIANA.

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*The Forty-Third Session of the General Assembly of the State of Indiana, begun and held at the Capital, in the City of Indianapolis, on Thursday, the 8th day of January, in the year of our Lord one thousand eight hundred and sixty-three.*

THURSDAY, January 8, 1863.

The Senate was called to order by Thomas M. Browne, Esq., Principal Secretary of the last session, when the following Senators, holding over, answered to their names :

*From the Counties of Delaware and Blackford—Walter March.*

*From the Counties of Fayette and Union—Benj. F. Claypool.*

*From the Counties of Hendricks and Boone—Solomon Blair.*

*From the County of Montgomery—Michael D. White.*

*From the County of Henry—Joshua H. Mellett.*

*From the Counties of Miami and Fulton—Daniel R. Bearss.*

*From the Counties of Noble, De Kalb and Steuben—Timothy R. Dickinson.*

*From the Counties of Clay and Putnam—Archibald Johnson.*

*From the Counties of Gibson, Dubois and Pike—Thos. Shoulders.*

*From the Counties of Jennings and Jackson—Meedy W. Shields.*

*From the Counties of Elkhart and Lagrange*—Chas. L. Murray.  
*From the Counties of Laporte and Starke*—Abraham Teegarden.  
*From the Counties of Washington and Harrison*—Simeon K. Wolfe.

*From the Counties of Clark and Scott*—Charles P. Ferguson.  
*From the Counties of Hamilton and Tipton*—Geo. B. Grubb.

The following named Senators elect appeared and presented their credentials:

*From the County of Jefferson*—John L. Mansfield.  
*From the Counties of Benton, Warren and White*—Alfred Reed.  
*From the Counties of Jasper, Lake, Newton and Porter*—Ezra Wright.

*From the County of Marion*—John C. New.  
*From the County of Randolph*—Thomas R. Browne.  
*From the County of Floyd*—Augustus Bradley.  
*From the Counties of Davies and Knox*—James D. Williams.  
*From the Counties of Greene and Owen*—George W. Moore.  
*From the Counties of Lawrence and Martin*—Thomas R. Cobb.  
*From the Counties of Crawford and Orange*—Henry Jenkins.  
*From the County of Bartholomew*—Francis T. Hord.  
*From the County of Franklin*—Thomas Gifford.  
*From the Counties of Huntington and Whitley*—Alexander J. Douglass.

*From the Counties of Cass, Howard and Pulaski*—John Davis.  
*From the County of Ripley*—William L. Hartley.  
*From the Counties of Ohio and Switzerland*—Alex. C. Downey.

On motion by Mr. Wolfe,

Further proceedings in the organization of the Senate were postponed till ten o'clock.

At ten o'clock the Senate was again called to order, when the following Senators, holding over, answered to their names:

*From the County of Rush*—Edward H. M. Berry.  
*From the County of Fountain*—Henry Campbell.  
*From the Counties of Johnson and Morgan*—Franklin Landers.  
*From the Counties of Shelby and Hancock*—Martin M. Ray.  
*From the Counties of Vigo and Sullivan*—Henry K. Wilson.

The following named Senators elect appeared and presented their credentials :

*From the County of Wayne*—Othniel Beeson.

*From the Counties of Adams, Jay and Wells*—George S. Brown.

*From the County of Tippecanoe*—Moses C. Culver.

*From the Counties of Parke and Vermillion*—Oliver P. Davis.

*From the Counties of Monroe and Brown*—Paris C. Dunning.

*From the Counties of Posey and Vanderburg*—George W. Finch.

*From the Counties of Perry, Spencer and Warrick*—Benoni L. Fuller.

*From the County of Dearborn*—James W. Gaff.

*From the Counties of Kosciusko and Wabash*—Wm. C. Graves.

*From the County of Allen*—Pliny Hoagland.

*From the Counties of Carroll and Clinton*—Leander McClurg.

*From the Counties of Grant and Madison*—John D. Marshall.

*From the County of Decatur*—J. D. Pleak.

The Senators elect then came forward, and were sworn into office by his Honor, Samuel E. Perkins, one of the Judges of the Supreme Court of Indiana.

On motion by Mr. Johnson, it was

*Resolved*, That the Senate now proceed to the election of a President to preside over the deliberations of this body.

Mr. Williams nominated the Hon. Paris C. Dunning, of Monroe county.

Mr. Mellett nominated the Hon. Othniel Beeson, of Wayne county.

No other nominations being made, the first ballot resulted as follows :

THOSE WHO VOTED FOR MR. DUNNING WERE—

Messrs.	Ferguson,	Hoagland,	Moore,
Bradley,	Finch,	Hord,	Ray,
Brown of Wells,	Fuller,	Jenkins,	Shields,
Cobb,	Gaff,	Johnson,	Shoulders,
Davis of Cass,	Gifford,	Landers,	Williams,
Douglass,	Graves,	McClurg,	Wilson, and
Downey,	Hartley,	Marshall,	Woolfe—27.

## THOSE WHO VOTED FOR MR. BEESON WERE—

Messrs.	Claypool,	Mansfield,	Pleak,
Bearss,	Culver,	March,	Reed,
Berry,	Davis of Parke,	Melletts,	Teegarden,
Blair,	Dickinson,	Murray,	White, and
Browne of R.,	Grubb,	New,	Wright—20.
Campbell,			

The Hon. Paris C. Dunning having received a majority of the votes cast, was declared duly elected President of the Senate, and conducted to his seat by Messrs. Beeson and Williams.

Nominations for Principal Secretary being called for,

Mr. Cobb nominated James H. Vawter, of Jennings county.

Mr. Claypool nominated Azel P. Newkirk, of Fayette county.

There being no other nominations, the first ballot resulted as follows:

## THOSE WHO VOTED FOR MR. VAWTER WERE—

Messrs.	Dunning,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Shoulders,
Davis of Cass,	Gaff,	Landers,	Williams,
Douglass,	Gifford,	McClurg,	Wilson, and
Downey,	Hartley,	Marshall,	Wolfe—27.

## THOSE WHO VOTED FOR MR. NEWKIRK WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Blair,	Dickinson,	Murray,	Wright—22.
Browne of R.,	Graves,	New,	

Mr. Vawter having received a majority of the votes cast, was declared duly elected Principal Secretary of the Senate, to serve as such during the present session, and thereupon sworn into office by his Honor, Judge Claypool, of the 6th Judicial Circuit.



Nominations for Assistant Secretary of the Senate being next in order,

Mr. Wilson nominated Samuel R. Hamill, of Sullivan county.

Mr. March nominated John J. Cravens, of Marion county.

There being no other nominations, the result of the first ballot is as follows :

THOSE WHO VOTED FOR MR. HAMILL WERE—

Messrs.	Dunning,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of W.,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Shoulders,
Davis of Cass,	Gaff,	Landers,	Williams,
Douglass,	Gifford,	McClurg,	Wilson, and
Downey,	Hartley,	Marshall,	Wolfe—27.

THOSE WHO VOTED FOR MR. CRAVENS WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Blair,	Dickinson,	Murray,	Wright—22.
Browne of R.,	Graves,	New,	

Mr. Hamill having received a majority of all the votes cast, was declared duly elected Assistant Secretary of the Senate, to serve as such during the present session, and was thereupon sworn into office by Judge Claypool.

Nominations for Doorkeeper being next in order,

Mr. Shields put in nomination Wm. H. Montgomery, of Martin county.

Mr. Berry nominated Samuel G. Thompson, of Wabash county.

There being no other nominations, the result of the first ballot is as follows :

## THOSE WHO VOTED FOR MR. MONTGOMERY WERE—

Messrs.	Dunning,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Shoulders,
Davis of Cass,	Gaff,	Landers,	Williams,
Douglass,	Gifford,	McClurg,	Wilson, and
Downey,	Hartley,	Marshall,	Wolfe—27.

## THOSE WHO VOTED FOR MR. THOMPSON WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Blair,	Dickinson,	Murray,	Wright—23.
Browne of R.,	Graves,	New,	

Mr. Montgomery having received a majority of all the votes cast, was declared duly elected doorkeeper of the Senate, to serve as such during the present session, and sworn into office by Judge Claypool.

Nominations for Assistant Doorkeeper being next in order,

Mr. Williams nominated Bruce Shields, of Jackson county.

Mr. Browne of Randolph nominated Frederick F. Needham, of Randolph county.

No other nominations being made, the result of the first ballot is as follows:

## THOSE WHO VOTED FOR MR. SHIELDS WERE—

Messrs.	Dunning,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Shoulders,
Davis of Cass,	Gaff,	Landers,	Williams,
Douglass,	Gifford,	McClurg,	Wilson, and
Downey,	Hartley,	Marshall,	Wolfe—27.

## THOSE WHO VOTED FOR MR. NEEDHAM WERE—

Messrs.	Campbell,	Grubb,	New,
Bearss,	Claypool,	Mansfield,	Pleak,
Beeson,	Culver,	March,	Reed,
Berry,	Davis of Parke,	Melletts,	Teegarden, and
Blair,	Dickinson,	Murray,	Wright—21.
Browne of R.,	Graves,		

Mr. Shields having received a majority of all the votes cast, was declared duly elected Assistant Doorkeeper of the Senate, and sworn into office by Judge Claypool.

Mr. Ray offered the following, which was adopted :

*Resolved*, That the House be informed that the Senate have convened, formed a quorum, and organized by the election of Paris C. Dunning, of Monroe county, President ; James Vawter, of Jennings county, Principal Secretary ; Samuel R. Hamill, of Sullivan county, Assistant Secretary ; W. H. Montgomery, of Martin county, Principal Doorkeeper ; Bruce Shields, of Jackson county, Assistant Doorkeeper ; and that they are now ready to proceed to Legislative business.

Mr. Claypool offered the following :

WHEREAS, The suppression of the rebellion, the restoration and preservation of the Union of all the States, is the great and paramount object of all loyal citizens ; therefore,

*Resolved*, That the members of this Legislature will vote for no man for office who is not in favor of a vigorous prosecution of the war, and who is not unalterably opposed to the severance of any State or States from the Union.

Mr. Williams moved to refer the resolution to the Committee on Federal Relations.

Mr. Claypool moved to lay the motion to refer on the table.

The yeas and nays were demanded by Messrs. Claypool and Williams, and being taken, resulted—yeas 22, nays 27, as follows :

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Blair,	Dickinson,	Murray,	Wright—22.
Browne of R.,	Graves,	New,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Dunning,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Shoulders,
Davis of Cass,	Gaff,	Landers,	Williams,
Douglass,	Gifford,	McClurg,	Wilson, and
Downey,	Hartley,	Marshall,	Wolfe—27.

So the motion to lay on the table was rejected.

The yeas and nays being demanded, on the motion to refer by Messrs. Williams and Claypool, they were ordered, and resulted—yeas 27, nays 22, as follows:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Shoulders,
Davis of Cass,	Gaff,	Landers,	Williams,
Douglass,	Gifford,	McClurg,	Wilson, and
Downey,	Hartley,	Marshall,	Wolfe—27.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Blair,	Dickinson,	Murray,	Wright—22.
Browne of R.,	Graves,	New,	

So the resolution was referred to the Committee on Federal Relations.

Mr. Wolfe offered the following resolution, which was adopted.

*Resolved*, That a committee of five be appointed to report to the Senate, the standing rules for the government of this body, and that until the report of said committee is adopted, the standing rules of the last session be adopted, except anything that may be in them in regard to the reference of resolutions without debate.

The President makes this committee to consist of Messrs. Landers, Wolfe, March, Williams, and Browne of Randolph.

Mr. Murray offered the following resolution, which was adopted.

*Resolved*, That a committee of two be appointed to wait on some clergyman of this city, and procure his services in opening the session of the Senate with prayer, previous to the reading of the Governor's message.

The President makes this committee to consist of Messrs. Murray and Downey.

Mr. Moore offered the following, which was adopted.

*Resolved*, That the doorkeeper be requested to place on the desk of each Senator, the Journals of the last session of the Senate, and House, and a copy of the revised Statutes.

Mr. Mansfield offered the following:

*Resolved*, That the present Legislature enter upon no election of officers, until the resolution defining the position of the nominees for office upon the questions involved in the resolution offered by the Senator of Fayette, shall have been finally acted upon.

The yeas and nays were demanded, upon the adoption of the resolution, by Messrs. Browne of Randolph and Claypool, and being ordered and taken, resulted, yeas 23, nays 26, as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Graves,	New,
Bearss,	Claypool,	Grubb,	Pleak,



Beeson,	Culver,	Mansfield,	Reed,
Berry,	Davis of Parke,	March,	Teegarden,
Blair,	Dickinson,	Melletts,	White, and
Browne of R.,	Downey,	Murray,	Wright—23.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Ferguson,	Hord,	Ray,
Bradley,	Finch,	Jenkins,	Shields,
Brown of Wells,	Fuller,	Johnson,	Shoulders,
Cobb,	Gaff,	Landers,	Williams,
Davis of Cass,	Gifford,	McClurg,	Wilson, and
Douglass,	Hartley,	Marshall,	Wolfe—26.
Dunning,	Hoagland,	Moore,	

So the resolution was rejected.

Mr. Cobb offered the following :

*Resolved*, That the doorkeeper be directed to contract for, and place upon the desks of Senators and officers of the Senate, three copies each of the *Daily Sentinel and Journal*, provided they report and publish the proceedings of the Legislature in full; two of the aforesaid papers to be wrapped and stamped ready for mailing.

Mr. Beeson made an ineffectual motion to amend by adding the words "At the expense of each Senator."

Mr. March moved to strike out of the resolution the word "three," and insert, in lieu thereof, the word "one."

This motion was rejected upon a division—affirmative 16—negative 21.

Mr. New made an ineffectual motion to amend by inserting the words "one copy of the *Daily Gazette*."

Mr. Graves made an ineffectual motion to strike from the resolution "three," and insert in lieu thereof, "one."

On motion by Mr. Wolfe,

The motion was amended by adding these words, "provided further, that said publishers furnish said papers at the usual rates."

Mr. Browne of Randolph, made an ineffectual motion to add to

the resolution these words, "that the costs of the papers furnished for each Senator be deducted from his *per diem*."

The resolution, as amended, was then adopted.

The following message was received from the House :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate of the passage of the following resolution :

*Resolved*, That the Senate be informed that the House of Representatives have convened, formed a quorum, and organized by the election of the Hon. Samuel H. Buskirk, a Representative from the county of Monroe, as Speaker; Azariah T. Whitlesey, of Vanderburg county, principal Clerk; Joseph J. Davis, of Fulton county, Assistant Clerk; Benedict Burns of Rush county, as Doorkeeper; and Michael Griffin of Vigo county, as Sergeant-at-Arms, and that the House is now ready to proceed with the Legislative business of the session.

Mr. Ray offered the following resolution, which was adopted :

*Resolved*, That a committee of three be appointed, to act with a like committee on the part of the House, to wait upon his Excellency, the Governor, inform him of the organization of the General Assembly, and inquire of him when it will be convenient for him to deliver his message to the General Assembly.

The President makes this committee consist of Messrs. Ray, Hoagland, and Davis of Parke.

Mr. Berry offered the following, which was adopted :

*Resolved*, That the Doorkeeper be directed to procure three dollars worth of postage stamps for the use of each member of the Senate.

Mr. Gifford offered the following:

*Resolved*, That the Doorkeeper be authorized to employ two boys to act as pages.

Mr. March moved to amend by providing that their per diem shall not exceed one dollar and a half.

Mr. Shields made an ineffectual motion to lay on the table this amendment.

Mr. Beeson moved to strike out of the resolution the word "two," and insert in lieu thereof the word "three."

The motion was agreed to.

On motion by Mr. Wolfe,

The per diem of the Pages was fixed at two dollars.

Mr. March offered the following:

*Resolved*, That on this day, rendered ever memorable and glorious by the victory achieved at New Orleans, over the trained armies of a foreign foe by American citizen soldiers, under the lead of Andrew Jackson, we here renew our pledges of loyalty to the national Constitution and Government, and of unalterable devotion to the union of all the States, and adopt as our motto, the living words of the hero of New Orleans, "the Union—it must and shall be preserved."

*Resolved*, That in honor of the day, and of the living and departed heroes, whose deeds have made their names immortal, the Senate do now adjourn until to-morrow morning at 9 o'clock, A. M.

Mr. Ray moved to strike out the words "until to-morrow morning at 9 o'clock, A. M."

On this motion, the yeas and nays were demanded by Messrs March and Beeson, and being ordered and taken, resulted, yeas 28, nays 19, as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Moore,
Bradley,	Finch,	Hord,	Ray,
Brown of Wells,	Fuller,	Jenkins,	Shields,
Cobb,	Gaff,	Johnson,	Shoulders,
Davis of Cass,	Gifford,	Landers,	Williams,
Douglass,	Graves,	McClurg,	Wilson, and
Downey,	Hartley,	Marshall,	Wolfe—28.
Dunning,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Grubb,	New,
Bearss,	Campbell,	Mansfield,	Pleak,
Beeson,	Caypool,	March,	Reed,
Berry,	Davis of Parke,	Mellett,	White, and
Blair,	Dickinson,	Murray,	Wright—19.

So the motion to strike out was agreed to.

The resolutions were adopted, and accordingly the Senate adjourned until 2 o'clock.

2 O'CLOCK, P. M.

The Senate met.

Mr. Moore moved a call of the Senate.

The motion was agreed to, and the call was proceeded with.

Pending which,

Mr. Browne of Randolph, made an ineffectual motion to dispense with further proceedings under the call.

The Secretary proceeded with the call, and reported twenty-nine members as present and answering to their names, as follows:

Messrs.	Dunning,	Hoagland,	Murray,
Bradley,	Ferguson,	Hord,	Ray,
Browne of R.,	Finch,	Jenkins,	Shields,
Brown of Wells,	Fuller,	Johnson,	Shoulders,
Cobb,	Gaff,	McClurg,	White,
Davis of Cass,	Gifford,	Marshall,	Williams, and
Douglass,	Graves,	Moore,	Wolfe—29.
Downey,	Hartley,		

No quorum being present,

On motion by Mr. Cobb, the Senate adjourned.

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FRIDAY, 9 o'clock, A. M., }  
January 9, 1863. }

Senate met.

The Journal of yesterday was read and approved.

Mr. Wolfe presented the memorial of Wm. H. Dils, contesting the seat of Timothy R. Dickinson, the sitting member from the counties of Noble, Steuben, and DeKalb.

On Motion by Mr. Browne of Randolph,  
It was referred to the Committee on Elections.

Mr. Cobb presented the petition of Alexander White, contesting the seat of Thomas M. Browne, the sitting member from the county of Randolph.

On motion by Mr. White,  
It was referred to the Committee on Elections.

The President laid before the Senate a communication from the State Librarian, in reply to a resolution adopted by the Senate on yesterday, stating that there is not a copy of the Revised Statutes to be had.

Mr. Browne of Randolph offered the following :

*Resolved*, That the State Librarian be directed to furnish to the members and officers of the Senate, stationery in such quantities as they may respectively order in writing, and keep an account thereof with each Senator and officer.

On motion by Mr. Cobb,  
This resolution was laid on the table.

Mr. Ray offered the following, which was adopted :



*Resolved*, That the Doorkeeper of the Senate be instructed to procure three copies of the *Volksblatt* and *Free Press* newspapers, enveloped and stamped, for the use of the members of the Senate during the present session.

Mr. Shoulders offered the following, which was adopted :

*Resolved*, That the Doorkeeper, in procuring postage stamps for the use of the Senate, be instructed to procure for each member of one and three cent stamps as they may direct, not exceeding the amount ordered by the Senate.

Mr. Cobb offered the following, which was adopted :

*Resolved*, That the Secretary of the Senate be directed to procure from the Secretary of State, if it can there be obtained, such stationery as may be required for the use of the Senate, and that he employ a clerk for that purpose, and keep an account with each member and officer, as he receives the same.

A message from the Governor :

EXECUTIVE DEPARTMENT, }  
Indianapolis, January 8, 1863. }

*To the Senate of Indiana :*

You are hereby informed that William R. Holloway, my Private Secretary, is authorized to make communications to your body in my behalf.

O. P. MORTON,  
*Governor of Indiana.*

A message from the House :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the joint resolution of the Senate, to appoint a committee to wait on His Excellency, the Governor, and have appointed Messrs. Moorman, Branham, and Hanna to act on said committee of the House.

Mr. Graves offered the following, which was adopted :

S. J.—2

*Resolved*, That the Doorkeeper of the Senate be directed to ascertain from the publishers of Gavin & Hord's edition of the Revised Statutes at what price they will furnish the Senate with fifty copies of said Statutes, and that he report thereon to the Senate to-morrow morning.

On motion by Mr. Johnson,

The following message from the House was taken up :

A message from the House :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate of the passage of the following joint resolution :

*Resolved*, (*the Senate concurring*,) That we meet in joint convention in this Hall, to-morrow, at the hour of 2 P. M., for the purpose of electing two United States Senators—one to run until the 4th of March, 1863, and the other for the term of six years from that date, and make that the order of business until the same is through with, except to receive communications from the Governor.

Mr. Browne of Randolph moved to concur, with the following amendment :

Amend by fixing the time of joint convention for Monday next, at 2½ o'clock, P. M.

A message was received from the House, inviting the Senate to repair to the Hall thereof instantan, for the purpose of receiving the Governor's regular biennial message.

Mr. Cobb moved to lay the amendment upon the table.

On this motion the yeas and nays were demanded by Messrs. Browne of Randolph, and White, and being ordered and taken, resulted—yeas 28, nays 3, as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Moore,
Bradley,	Finch,	Hord,	Ray,
Brown of Wells,	Fuller,	Jenkins,	Shields,
Cobb,	Gaff,	Johnson,	Shoulders,

Davis of Cass,	Gifford,	Landers,	Williams,
Douglass,	Graves,	McClurg,	Wilson, and
Downey,	Hartley,	Marshall,	Wolfe—28.
Dunning,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.            Browne of R.,    Murray, and    White—3.

No quorum being present, Mr. Johnson moved a call of the Senate.

The motion was agreed to.

The Secretary proceeded with the call, and reported 31 Senators present, who answered to their names as follows:

THOSE WHO WERE PRESENT WERE—

Messrs.	Dunning,	Hoagland,	Murray,
Bradley,	Ferguson,	Hord,	Shields,
Browne of R.,	Finch,	Jenkins,	Shoulders,
Brown of Wells,	Fuller,	Johnson,	White,
Cobb,	Gaff,	Landers,	Williams,
Davis of Cass,	Gifford,	McClurg,	Wilson, and
Douglass,	Graves,	Marshall,	Wolfe—31.
Downey,	Hartley,	Moore,	

Mr. Wolfe moved that the absentees be sent for.

The motion was agreed to.

Mr. McClurg moved to reconsider the vote just taken.

Pending the motion to reconsider,

On motion by Mr. Landers,  
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

A printed copy of the Biennial Message of His Excellency, the Governor, was transmitted to the Senate, at the hands of his Private Secretary.

The pending question being on the motion of Mr. McClurg, to reconsider the vote ordering the Doorkeeper to hunt up absentees,

Mr. Landers asked and obtained leave of absence for Mr. Shields until Monday.

On motion by Mr. Landers,  
The Senate adjourned.

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SATURDAY, 9 O'CLOCK, A. M., }  
January 10, 1863. }

The Senate met at 9 o'clock, A. M., and was called to order by Secretary Vawter, the President being absent.

On motion by Mr. Cobb,  
Mr. Johnson took the chair.

Mr. Williams asked and obtained leave of absence for Mr. Downey.

Mr. Hoagland asked and obtained leave of absence for Mr. Graves till Tuesday.

Mr. McClurg withdrew his motion of yesterday to reconsider the vote requiring the Sergeant-at-Arms to bring in absentees, and

the President *pro tem.* directed the call of the Senate to be proceeded with,

When the Secretary reported thirty-nine Senators present and answering to their names as follows :

Messrs.	Douglass,	Hartley,	Moore,
Bearss,	Downey,	Hoagland,	Murray,
Berry,	Dunning,	Hord,	New,
Blair,	Ferguson,	Jenkins,	Ray,
Bradley,	Finch,	Johnson,	Shoulders,
Browne of R.,	Fuller,	Landers,	White,
Brown of Wells,	Gaff,	McClurg,	Williams,
Cobb,	Gifford,	Mansfield,	Wilson,
Davis of Cass,	Graves,	March,	Wolfe, and
Dickinson,	Grubb,	Marshall,	Wright—39.

On motion by Mr. Browne of Randolph,  
Further proceedings under the call be dispensed with.

Mr. Browne of Randolph offered the following resolutions :

WHEREAS, It is desirable, in the perilous and distracted condition of the country, to secure harmony in legislation and unity in action ; therefore,

1. *Resolved*, That we are in favor of a vigorous prosecution of the present war, within the limits of the Constitution and in accordance with the recognized usages of civilized warfare, for the suppression of the rebellion and the restoration of the Union of all the States, and that all necessary appropriations should be made by this General Assembly to assist the State in answering all requisitions of the General Government in the payment of any proper expenses that have accrued, that have not heretofore been provided for, and are opposed to obstructing, in any manner whatever, the General Government in the exercise of any of its powers.

2. *Resolved*, That we are opposed to the creation, by this General Assembly, of a State Military Board, for the transaction of the military affairs of the State, or to interfering with or circumscribing the constitutional powers of the Executive of the State.

3. *Resolved*, That we are in favor of a rigid economy in the

public expenditures in every department of the Government, civil or military, and of a thorough and impartial investigation of all past public expenditures, and the exposure of fraud or corruption wherever found.

4. *Resolved*, That as it has been charged that loyal citizens of the State of Indiana have been arbitrarily arrested and imprisoned, without legal process or just cause, we will therefore favor, to the extent of our power, the investigation of all such charges, and insist that all persons hereafter arrested shall receive a prompt and impartial trial, so far as is consistent with public safety.

5. *Resolved*, That it is the duty of this General Assembly to make a fair and equitable apportionment of the State for Congressional and Legislative purposes, making the Districts in regular and convenient form, and as near as may be with equal population, and without reference to their political character.

6th. *Resolved*, That it is the duty of this General Assembly to elect United States Senators and State officers, the election of which is imposed by law at the earliest practicable moment.

On motion by Mr. Wolfe,

These resolutions were referred to a select committee of nine, which the President makes to consist of Messrs. Wolfe, Johnson, Williams, Hoagland, Cobb, Mansfield, Mellett, White, and Davis of Vermillion.

Mr. Browne of Randolph offered the following resolution :

*Resolved*, That the Doorkeeper be instructed to purchase, for the use of the Senate, twenty-five copies of the Revised Statutes, Gavin and Hord's edition, the same to be deposited, at the expiration of the session, in the State Library, for the use of subsequent sessions of this body.

Mr. Claypool moved to amend by striking out "twenty-five" and insert "ten."

Mr. Wolfe moved to amend the amendment as follows :

Amend by inserting "fifty copies" instead of "twenty-five," and insert in the proper place the words "safely kept exclusively for the



use of." Add, at the end of the resolution, the words "each member desiring a copy during the session shall receipt for the same to the Librarian."

The resolution as amended was adopted.

The President laid before the Senate the following communication:

The Auditor of State respectfully declines to issue a warrant for postage stamps for the use of the Senate, for the reason that there is no appropriation for legislative expenses.

T. G. PALMER,  
*Deputy.*

January 10, 1863.

The President also laid before the Senate the following:

OFFICE OF DAILY AND WEEKLY JOURNAL, }  
*Indianapolis, January 8, 1863.* }

*Agreement:*—The Indianapolis Journal Co., hereby agree to deliver to the doorkeeper of the Senate of the State of Indiana, now in session, three copies of the *Daily Journal* to each member of the Senate, and three copies of the same to four officers of the same, for the sum of seventeen cents per day, for each member and officer, from this date; two copies daily, to each member and officer, shall be enveloped in the usual style for mailing, and postage prepaid, said paper to contain the proceedings of the Senate and House of Representatives.

INDIANAPOLIS JOURNAL Co.,  
PER GROOMS.

The President also laid before the Senate the following:

INDIANAPOLIS, January 8, 1863.

We hereby agree with W. H. Montgomery, doorkeeper of the Senate of Indiana, now in session, to furnish one hundred and sixty-two copies of the *Daily Sentinel*, for the use of the Senators and officers, during the continuance of the session; one hundred and eight copies of which will be enveloped in the usual manner for mailing, and stamped with a one cent postage stamp, and the balance folded, all to be delivered to the doorkeeper each morning,

for the sum of seventeen cents for each member and officer per day, amounting to nine dollars and eighteen cents each day; and Mr. Montgomery agrees to receive and deliver said papers to the members, unless this contract is rescinded by the Senate.

Made and entered into this 8th day of January, 1863.

ELDER, HARKNESS & BINGHAM.

The President also laid before the Senate the following:

INDIANAPOLIS, January 10, 1863.

*Agreement:*—The Editor of the Weekly Indiana *Volksblatt*, hereby agrees to deliver to the doorkeeper of the Senate of the State of Indiana, now in session, three copies of the Weekly Indiana *Volksblatt*, to each member of the Senate, and three copies of the same to four officers of the same, for the sum of eighteen cents per week, for each member and officer, from this date. The same shall be enveloped in the usual style for mailing, and postage prepaid.

JULIUS BOETTICHER,  
*Editor of "Volksblatt."*

Mr. March offered the following, which was adopted:

*Resolved*, That when the Senate adjourns, it adjourn until Monday, 2 o'clock, P. M.

On motion by Mr. Wolfe,  
The Senate adjourned.

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MONDAY, 2 o'clock, P. M., }  
January 12, 1863. }

- Senate met.

The Journal of Saturday was read.

Mr. Mellett presented the memorial of John H. Baker, contesting

the seat of the Hon. Charles L. Murray, the sitting member from LaGrange and Elkhart counties.

On motion by Mr. Wolfe,

It was referred to the Committee on Elections, with the following instruction :

Amend with instruction to inquire into the Constitutional eligibility of the said Baker to a seat in the General Assembly, while holding a lucrative office or appointment under the authorities of this State at the time of, and subsequent to his Election.

Mr. Landers offered the following, which was adopted :

*Resolved*, That the Judiciary Committee be instructed to inquire into the Constitutionality of a law providing for the voting of Indiana soldiers, who may be absent from their respective townships, and on duty outside of the State at the time of election.

Hon. Horrace Corbin, Senator elect from the counties of St. Joseph and Marshall, presented his credentials and was sworn into office by Judge Chapman.

Mr. Browne of Randolph, introduced Senate bill No. 1, entitled "A bill appropriating twenty-five thousand dollars for the expenses of the present General Assembly, and providing the manner of the payment of the members and officers of the Senate and House of Representatives ;"

Which was read a first time.

Mr. Browne of Randolph, moved to suspend the rules, and read the bill a second time now.

The ayes and noes being taken under the constitution,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hord,	Reed,
Bearss,	Dunning,	McClurg,	Shields,
Beeson,	Ferguson,	Mansfield,	Shoulders,
Berry,	Finch,	March,	Teegarden,
Blair,	Gaff,	Marshall,	White,
Bradley,	Gifford,	Murray,	Williams,
Browne of R.,	Grubb,	New,	Wilson,

Corbin,	Hartley,	Pleak,	Wolfe, and
Culver,	Hoagland,	Ray,	Wright—35.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Jenkins,	Mellet, and
Brown of Wells,	Douglass,	Johnson,	Moore—10.
Cobb,	Fuller,	Landers,	

So the rule was suspended, and the bill was read a second time, and ordered to be engrossed for the third reading.

Mr. Moore moved to refer the bill to a select committee of three, with the following instructions :

“ Provided no member of the Legislature shall be allowed to draw his *per diem* while absent from the Senate or House, without leave.”

On this motion the ayes and noes were demand by Messrs. Moore and Wilson, and being ordered and taken resulted, yeas 26, nays 22, as follows :

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Corbin,	Hartley,	Moore,
Beeson,	Davis,	Hoagland,	New,
Blair,	Douglass,	Jenkins,	Pleak,
Bradley,	Dunning,	Landers,	Williams,
Brown of Wells,	Finch,	Manfield,	Wilson, and
Campbell,	Fuller,	March,	Wolfe—26.
Cobb,	Gaff,	Marshall,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Johnson,	Shields,
Bearss,	Dickinson,	McClurg,	Shoulders,
Berry,	Ferguson,	Mellet,	Teegarden,
Brown of R.,	Gifford,	Murray,	White, and
Claypool,	Grubb,	Ray,	Wright—22.
Culver,	Hord,	Reed,	

So the motion was agreed to, and the President makes the committee to consist of Messrs. Moore, Wilson, and Browne of Randolph.

Mr. Wolfe, from the select committee thereon, made the following report :

MR. PRESIDENT :

The select committee on Standing rules for the government of the Senate, report that they have had the matter referred to them under consideration, and have directed me to report the following :

#### RULES AND ORDERS.

1. The President shall take the Chair every day precisely at nine o'clock in the forenoon, and two o'clock in the afternoon, unless the Senate shall, by resolution, have adjourned to some other hour; in which case the President shall take the Chair precisely at the hour appointed by such resolution. He shall immediately call the Senators to order; and on the appearance of two-thirds shall cause the journal of the preceding day to be read.

2. Nine Senators, with the President, or ten in his absence, having chosen a President *pro tem.*, shall be authorized to call a Senate, compel the attendance of the absent Senators, make an order for their fine or censure, and may adjourn.

3. The President shall preserve order and decorum, may speak to points of order in preference to Senators, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the Senate by any two Senators, on which appeal no Senator shall speak more than once, unless by leave of the Senate.

4. The President shall rise to put a question, but may state it sitting.

5. Questions shall be distinctly put in this form, to-wit: "As many as are of the opinion that (as the question may be) say Aye;" and after the affirmative voice is expressed—"As many as are of the contrary opinion say No." If the President doubt, or a division be called for, the Senate shall decide; those in the affirmative of the question shall first rise from their seats, and afterward those in the negative.

6. The President shall have a general direction of the Senate's



room. He shall have the right to name any Senator to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment. He shall have the right to name any Senator to bear messages to the House, and to appoint all committees, subject to the addition of other Senators, upon motion.

7. The President shall, when the Senate is equally divided, give the casting vote.

8. Twenty-eight Standing Committees shall be appointed at the commencement of each session, viz: 1st, on Elections; 2d, on Finance; 3d, on the Judiciary; 4th, on Education; 5th, on Corporations; 6th, on Roads; 7th, on Benevolent Institutions of the State; 8th, on Agriculture; 9th, on Banks; 10th, on Manufactures; 11th, on Printing; 12th, on Public Buildings; 13th, on the State Prison; 14th, on Canals and Internal Improvements; 15th, on the State Library; 16th, on the Town of Indianapolis; 17th, on Claims; 18th, on Military Affairs; 19th, on Phraseology and Arrangement of Bills; 20th, on Unfinished Business; 21st, on Organization of Courts; 22d, on Enrolled Bills; 23d, on Federal Relations; 24th, on Expenditures; 25th, on Swamp Lands; 26th, on Temperance; 27th, on County and Township Business; and 28th, on Rights and Privileges of the Inhabitants of this State. It shall be the duty of the Committee on Elections to examine and report upon the certificates and other credentials of the Senators returned to serve in the Senate, and to take into consideration all petitions, documents, and evidence relating to elections, which may be referred to them by the Senate; and each of the other committees shall perform such services, and take into consideration all subjects and matters required of them by the Senate.

9. No committee shall sit during the sitting of the Senate, without special leave.

10. All questions relating to the priority of business to be acted upon, shall be decided without debate.

11. When any Senator is about to speak in debate, or deliver any matter to the Senate, he shall rise from his seat, respectfully address himself to the question under debate, and avoid personality. And no Senator shall impeach the motives of any other Senator's vote or argument.

12. If any Senator, in speaking or otherwise, transgress the rules of the Senate, the President shall, or any Senator may, call to order; in which case the Senator so called to order shall immediately sit down, unless permitted to explain; and the Senate shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the Senator called to order, he shall be at liberty to proceed. If otherwise, and the case require it, he shall be liable to the censure of the Senate.

13. When two or more Senators happen to rise at once, the President shall name who is first to speak.

14. No Senator shall speak more than twice to the same question without the leave of the Senate, nor more than once until every Senator chosing to speak shall have spoken.

15. While the President is putting the question, or addressing the Senate, no Senator shall walk across or out of the house, nor when a Senator is speaking shall any entertain private discourse, or pass between him and the Chair.

16. No Senator shall be compelled to vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

17. Upon a division and count of the Senate on any question, no Senator without the bar shall be counted.

18. Every Senator who shall be in the House when the question is put, shall give his vote, unless the Senate, for special reasons, excuse him.

19. When a motion is made and seconded, it shall be stated by the President, or being in writing, it shall be handed to the Chair, and read aloud before debated.

20. Every motion shall be reduced to writing, if the President or any Senator desire it.

21. After a motion is stated by the President and read, it shall be deemed to be in possession of the Senate, but may be withdrawn at any time before decision or amendment.

22. When a question is under debate, no motion shall be received but

- 1st. To adjourn;
- 2d. To lay on the table;
- 3d. For the previous question;
- 4th. To postpone indefinitely;
- 5th. To postpone to a certain day;
- 6th. To commit; or,
- 7th. To amend.

Which several motions shall have precedence in the order they stand arranged.

23. When a question is postponed indefinitely, the same shall not be acted upon during the session.

24. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators elected; and until it is decided, shall preclude all debate, and the introduction of all further amendments. The main question shall be the first question in order, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote on the question then pending, in their order, and then on the main question.

25. Motions and reports may be committed at the pleasure of the Senate.

26. Any member may call for the division of a question, where the sense will admit of it.

27. No new motion or proposition shall be admitted under color of amendment, as a substitute for the motion or proposition under debate.

28. When a motion has once been made and carried in the affirmative or negative, it shall be in order for any Senator of the majority to move a reconsideration thereof, on the same or any other day during the session, but such motion can be entertained but once during the session.

29. When the reading of a paper is called for, if any objection is made, it shall be decided by a vote of the Senate.



30. The unfinished business in which the Senate was engaged at the last preceding adjournment, shall have the preference in the orders of the day, and no motion or any other business shall be received, without special leave of the Senate, until the former is disposed of.

31. If a question depending be lost by adjournment of the Senate, and revived on the succeeding day, no Senator who shall have spoken twice on the preceding day, shall be permitted again to speak without leave.

32. Petitions, memorials, and other papers addressed to the Senate, may be presented by the President, or by any Senator.

33. A motion to adjourn shall always be in order, and shall be decided without debate.

34. It shall be in order for the committee on enrolled bills to report at any time, when no question is before the Senate.

35. Every bill shall be introduced by motion on leave, or by order of the Senate.

36. Every bill shall receive three several readings in the Senate, previous to its passage, and all bills shall be dispatched as they were introduced, unless in case of urgency.

37. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be—"shall the bill be rejected?" If no opposition be made, or the question to reject be negatived, the bill shall go for its second reading without a question.

38. Upon the second reading of a bill, the President shall state that it is ready for commitment, amendment or engrossment; and if committed, then the question shall be, whether to a select or standing committee, or to a committee of the whole Senate; if to a committee of the whole Senate, the Senate shall determine on what day; but if the bill be ordered to be engrossed, the Senate shall appoint the day when it shall be read the third time. It shall be in order to read bills on their second reading by title, for reference, and when so referred, it shall be in order for the committee to which they shall be referred, to report on the same with or with-

out amendments, and the bill, when returned, shall be upon the second reading, and shall then, with the amendments proposed, if any, be read through by sections.

39. After commitment and report thereof to the Senate, or at any time before its passage, a bill may be recommitted.

40. All bills ordered to be engrossed, shall be in a fair, round hand.

41. No amendment by way of a rider shall be received to a bill on its third reading.

42. When a bill shall pass, it shall be certified by the Secretary, noting the day of its passage at the foot thereof.

43. In forming a committee of the whole Senate, the President, leaving the chair, shall appoint a chairman to preside.

44. Upon bills committed to a committee of the whole Senate the bill shall be first read throughout by the Secretary, and then again read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Secretary on a separate paper, as the same shall be agreed to by the committee, and so reported to the Senate; after report the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

45. All questions, whether in committee or in the Senate, shall be propounded in the order in which they are moved, except that in filling up blanks, the largest sum and the longest time shall be first put.

46. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in a committee of the whole Senate.

47. The rule of proceeding in the Senate shall be observed in a committee of the whole Senate, so far as they may be applicable, except the rule limiting the times of speaking, but no Senator shall speak twice to any question until every Senator choosing to speak shall have spoken.

48. No standing rule or order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor.

49. No Senator shall absent himself from the service of the Senate, unless he have leave, or be sick and unable to attend.

50. Each officer of the Senate shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities; and shall be deemed to continue in office until another is chosen.

51. It shall be the duty of the Doorkeeper to attend the Senate during its sittings; execute all its demands and process to him given and directed; give notice of and carry all messages, either public or private, he may be required to carry; keep the Senate chamber and furniture clean and in due order, and at all times keep good and sufficient fires, when the same may be necessary; when requested to call a Senator, he shall do so by name.

52. When a reference is made of any subject to a standing committee, the Senator introducing the same shall be a member of such committee during its deliberations thereon, but shall have no power to vote.

53. The daily order of transacting business shall be as follows: viz: 1st. Reading and correcting the Journal of the preceding day; 2d. Introduction of petitions, memorials, and remonstrances; 3d. Reports from standing committees; 4th. Reports from select committees; 5th. Resolutions of the Senate; 6th. Joint resolutions; 7th. Bills; and 8th, the orders of the day.

54. In all joint meetings of the two houses of the Legislature, convened for a specific purpose, it shall be incompetent for this body, or its members, to engage in such joint meeting in the transaction of any other business than that for which they were so specially assembled.

#### JOINT RULES

*For conducting business in the two Houses of the General Assembly of the State of Indiana.*

1. While bills and joint resolutions are on their passage between  
S. J.—3

the two Houses, they shall be on paper, under the signature of their clerks respectively.

2. After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled on paper; and the Clerk of the House where it originated shall indorse upon the back thereof the House in which it originated, under which he shall place his signature.

3. Every bill or joint resolution, after being enrolled, shall be examined by the joint committee of enrolled bills, consisting of three from the Senate and six from the House, appointed as a standing committee for that purpose; one of whom on the part of the Senate and two from the House, shall be sufficient to act, who shall compare the same with the engrossed bill, and correct any errors they may discover, so as to make it agree therewith, and make their report forthwith to their respective Houses.

4. Every bill or joint resolution reported to have been duly enrolled shall be signed, first by the Speaker of the House of Representatives, who shall send the same to the Senate; then by the President of the Senate; after which it shall be presented by the joint committee of enrolled bills to the Governor for his approbation and signature; and the said committee shall report to their respective Houses the day of their presentation, which report shall be entered on the journals of each House.

5. All bills and joint resolutions shall be signed by the Speaker of the House of Representatives and the President of the Senate, in their Houses respectively, when in session, which shall be carefully noted on the Journals of each House.

6. When any paper or papers, proper to be acted upon by both Houses, shall come before either, the House before which such paper or papers are laid, shall, after acting thereupon, lay it, or them, before the other House.

7. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairman, meet in the conference chamber, and state to each other, verbally, or in writing, as either shall choose, the reasons of their respective

Houses for and against the amendment, and confer freely thereon, and report to each House their proceedings thereon. A committee of conference shall consist of two members from each House. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

8. In all cases where the Sergeant-at-Arms of one House shall, by reason of official engagements or other cause, be unable to execute the commands or process of the House of which he is an officer, it shall be the duty of the Sergeant-at-Arms of the other House, to execute such commands, together with such process, as may be directed to him by the presiding officer thereof.

9. The following standing committees, on the part of each House, shall be appointed, to act as joint committees :

A Standing Committee on Enrolled Bills, to consist of six on the part of the House, and three on the part of the Senate.

A Committee on Public Buildings, to consist of three from each House.

A committee on the State Library, to consist of three members from each House.

A Committee on the Canal Fund, to consist of three members from each House.

10. In all elections which require a distinct and separate vote of each House, the voting shall be simultaneous in both Houses. No person shall be deemed to be elected in the proper House, making such separate choice, unless he receives a majority of all the votes given in such House. Each House shall, as soon as a choice may be made on such separate voting, forthwith communicate the same to the other House, and if it shall appear that the Houses have concurred in their choice of any or either of the persons so voted for, such person or persons shall be deemed and declared duly elected. But if the Houses do not concur in their choice of each and all the officers so to be elected, then, in such case, the two Houses shall in like manner forthwith proceed to a second separate choice of the remaining officers so attempted to be elected. But if no concurrence then be had, the two Houses shall, in like manner, proceed to



a third separate choice. If the two Houses shall not have concurred in their third separate choice, the two Houses shall proceed to joint vote *instanter*, for the election of such officer or officers as the two Houses may have failed, for want of concurrence, as aforesaid, to elect.

11. In all joint conventions and meetings of the two Houses, it shall be incompetent for either House, or the members thereof, or the Joint Convention, to engage in the transaction of any business other than that for which they were so specifically assembled.

12. When a message is sent to the Senate or to the House of Representatives, it shall be announced at the door by the Sergeant-at-Arms, or by the Doorkeeper, and shall be respectfully communicated to the Chair, by the person by whom sent.

13. Messages shall be sent by such persons as the President of the Senate or Speaker of the House may designate for that purpose.

14. No bill that shall have passed one House, shall be sent for concurrence to the other, on the last two days of the session.

15. When bills which have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

16. No spirituous liquors shall be offered for sale, or exhibited, within the Capitol, or on the public grounds adjacent thereto.

Mr. Johnson moved to concur in the report of the committee, with an amendment to section 52, striking out these words: "but shall have no power to vote."

On motion by Mr. Shields,  
The amendment was laid on the table.

On motion by Mr. Wolfe,  
The following words in section 47, were stricken out: "except the rule limiting the times of speaking."

On motion by Mr. Wolfe,  
All referring in the report to the joint rules was stricken out.

On motion by Mr. March,

This committee was authorized to act with a similar committee on the part of the House, in framing joint rules for the government of the two bodies, when assembled in joint convention.

Mr. Claypool moved to reconsider the vote by which these words in section 47, "except the rule limiting the times of speaking," were stricken out.

The motion was agreed to.

The report of the committee was then concurred in.

Mr. Wolfe offered the following, which was adopted :

*Resolved*, That 200 copies of the Standing Rules of the Senate be printed in pamphlet form, for the use of the Senate, including the Order of Business, Standing Committees of the Senate, and Index to said Rules.

Mr. Cobb asked and obtained leave of absence for Mr. Ferguson.

On motion by Mr. Cobb,

The Senate adjourned.

TUESDAY, 9 o'clock, A. M., }  
January 13, 1863. }

The Senate met.

The Journal of yesterday was read.

The President laid before the Senate a list of the Standing Committees of the Senate, as follows :

List of committees announced in the Senate, Jan. 13, 1863, by Hon. Paris C. Dunning, President:

1. *On Elections.*

Senators Shields, Wolfe, Brown of Wells, Landers, White, Blair, and Beeson.

2. *On Finance.*

Senators Williams, Landers, Bradley, Hoagland, Wilson, Claypool, Beeson, Mellett, and Davis of Parke.

3. *On the Judiciary.*

Senators Ray, Downey, Wolfe, Cobb, McClurg, Brown of Wells, March, Browne of Randolph, Claypool, and Graves.

4. *On Education.*

Senators Douglass, Ferguson, Hord, Corbin, White, Berry, New, and Grubb.

5. *On Corporations.*

Senators Davis of Cass, Fuller, Moore, Hartley, Culver, Reed, and Wright.

6. *On Roads.*

Senators Finch, Jenkins, Moore, Shoulders, Campbell, Pleak and Wright.

7. *On the Benevolent Institutions of the State.*

Senators Corbin, Gifford, Douglass, Downey, Ferguson, New, Teegarden, Mellett, and Mansfield.

8. *On Agriculture.*

Senators Shoulders, Johnson, Moore, Williams, Marshall, Campbell, Murray, Berry, and Reed.

9. *On Banks.*

Senators Wilson, Gaff, Landers, Johnson, Bradley, Beeson, Graves, Claypool, and Teegarden.



10. *On Manufactures.*

Senators Fuller, Marshall, Williams, Goff, Beeson, Grubb, and New.

11. *On Printing.*

Senators Bradley, Wolfe, Williams, Davis of Cass, Murray, New, and Mansfield.

12. *On Public Buildings.*

Senators Hartley, Jenkins, Landers, Pleak, and New.

13. *On the State Prison.*

Senators Ferguson, Bradley, Gifford, Shoulders, Cobb, Wilson, Wolfe, Hoagland, Graves, Bearss, Murray, Browne of Randolph, Culver, Teegarden, Wright, and Brown of Wells.

14. *On Canals and Internal Improvements.*

Senators Hoagland, Finch, Davis of Cass, McClurg, Culver, Campbell, and Reed.

15. *On the State Library.*

Senators Hord, Fuller, Ferguson, Mansfield, and Blair.

16. *On the Town of Indianapolis.*

Senators Jenkins, Gaff, Hartley, Berry, Pleak, and New.

17. *On Claims.*

Senators Moore, Williams, Wilson, Shoulders, Blair, Grubb, and Pleak.

18. *On Military Affairs.*

Senators Landers, Shields, Ray, Corbin, Downey, Mansfield, Davis of Parke, Beeson, and Murray.

19. *On Phraseology and Arrangement of Bills.*

Senators Gifford, Ray, Douglass, Dickinson, and Bearss.

20. *On Unfinished Business.*

Senators Graves, Hartley, Finch, Brown of Wells, Bearss, Teegarden, and Wright.

21. *On Organization of Courts.*

Senators Wolfe, Cobb, Corbin, Downey, White, Mellett, and Dickinson.

22. *On Enrolled Bills.*

Senators Brown of Wells, McClurg, Hord, Grubb, Blair, and Browne of Randolph.

23. *On Federal Relations.*

Senators Cobb, Wolfe, Johnson, Hoagland, Ray, Davis of Cass, March, Mansfield, Browne of Randolph, Mellett, and White.

24. *On Expenditures.*

Senators Marshall, Shields, Fuller, Douglass, Grubb, Bearss, and Campbell.

25. *On Swamp Lands.*

Senators McClurg, Hord, Marshall, Shields, Culver, Dickinson, and Reed.

26. *On Temperance.*

Senators Gaff, Jenkins, Finch, Cobb, Berry, New, and Murray.

27. *On County and Township Business.*

Senators Johnson, Moore, Wilson, Graves, March, Davis of Parke, and Blair.

28. *On Rights and Privileges of the Inhabitants of this State.*

Senators Downey, Ray, Hord, McClurg, Corbin, March, Claypool, Davis of Parke, and Dickinson.

The President laid before the Senate the following :

INDIANAPOLIS, January 12, 1863.

AGREEMENT.

The editor of the *Weekly Indiana Free Press* agrees to deliver to the Doorkeeper of the Senate of the State of Indiana, during its session, three copies of the same to each member of the Senate, and three copies of the same to four officers of the Senate, for the sum of eighteen cents per week for each member and officer, from this date. The same shall be enveloped in the usual style for mailing, and postage pre-paid.

R. HENNINGER,  
*Editor Indiana Free Press.*

W. H. MONTGOEERY,  
*Doorkeeper of Senate.*

On motion of Mr. Cobb,

Mr. Brown of Wells, was added to the Committee on State Prisons.

Mr. Ray presented a petition from H. H. Dodd, in relation to the publication of Owens' Geological Survey;

Which, on his motion, was laid on the table.

Mr. Moore, from the select committee thereon, made the following report:

MR. PRESIDENT:

The special committee, to whom was referred Senate bill No. 1, "a bill appropriating twenty-five thousand dollars to pay the Legislative expenses of the present General Assembly," &c., with certain instructions of the Senate, beg leave to report that they have had the same under consideration, and report the same back with the following amendment, and when so amended, a majority of the committee recommend the passage:

Amend by adding to the third section, "provided that no Senator or Representative shall be entitled to receive his per diem for such time as he may be absent without leave from the Senate or House of Representatives

The report of the committee was concurred in.

The bill was read a third time, and

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hoagland,	Murray,
Beeson,	Dunning,	Hord,	Pleak,
Blair,	Finch,	Johnson,	Ray,
Bradley,	Fuller,	Landers,	Reed,
Browne of R.,	Gaff,	McClurg,	Shields,
Brown of Wells,	Gifford,	Mansfield,	Shoulders,
Campbell,	Grubb,	March,	Williams, and
Cobb,	Hartley,	Marshall,	Wilson—32.
Corbin,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Mellett,	Teegarden,
Bearss,	Davis of Cass,	Moore,	Wolfe, and
Berry,	Dickinson,	New,	Wright—13.
Claypool,	Jenkins,		

So the bill passed.

Mr. Browne of Randolph offered the following:

*Be it resolved*, That the Committee on the Judiciary be and is hereby instructed, at the earliest practicable moment, to prepare and report to the Senate a bill or bills embracing substantially the following:

1st. Abolishing the Court of Common Pleas and the office of District Prosecuting Attorney.

2d. Increasing the number of judicial circuits to not less than twenty, nor more than twenty-four, and providing for three terms of the Circuit Court in each year.

3d. Transferring the civil business that may be pending in the Common Pleas Courts at the time said act may go into effect to the Circuit Courts.

4th. Giving to justices of the peace exclusive jurisdiction of all misdemeanors, the punishment of which is by fine only; ex-

tending the jurisdiction of the Circuit Court and the Grand Jury to misdemeanors, the punishment of which may be imprisonment in the county jail; and providing further that whenever a justice of the peace shall be of opinion, upon the investigation of a misdemeanor, that adequate punishment would exceed his jurisdiction, he shall require the accused to enter into recognizance for his appearance to answer the charge at the next ensuing term of the proper Circuit Court, or in default thereof commit him to the county jail, and in each case the Circuit Court shall proceed to try said cause upon the affidavit filed before the justice; also making it the duty of the prosecuting attorney to prosecute such case in the Circuit Court, and allowing him therefor such fees as are allowed by law in other cases.

5th. Giving the Circuit Courts jurisdiction in cases of application to sell land by guardians, assignees, executors and administrators, actions for partition, and in all cases of probate that may require litigation.

6th. Requiring guardians, assignees, executors and administrators to make their reports, accounts current, and final settlements to the clerk in vacation.

7th. Providing that in all cases of final settlement, or where an allowance for services may be demanded, in any report or account current, the clerk shall receive and docket the same in a proper record to be kept for such purpose, and shall present the same for inspection and allowance to the Circuit judge, on the first day of the next ensuing term of the Circuit Court.

8th. That in all cases, any person interested may appear before the clerk in vacation, or the court in term time, and file his written objections and exceptions to any report, account current, or final settlement; and upon the filing thereof the cause shall be properly docketed, and after the service of process upon the adverse party, as in other civil cases, it shall stand for trial; upon the hearing thereof, the court shall make such order respecting the controversy as the law of the case may require, and shall award the costs against the losing party, or divide them between the parties, in such manner as to the Court may seem equitable and just.

9th. Providing such additional compensation for the clerk as

may be reasonable, in view of the increased labor that may be imposed upon him.

10th. Providing that the act shall take effect and be in force from and after the first day of November, A. D. 1864.

Mr. Johnson moved to amend the resolution by making it one of inquiry.

On motion by Mr. Shields,

The resolution and pending amendment was postponed till Friday next at two o'clock P. M., and made the special order for that hour.

Mr. Williams offered the following, which was adopted :

*Resolved*, That the Doorkeeper be authorized to procure from H. H. Dodd & Co. one copy, for each member and officer of the Senate, of the Geological Survey of the State made by David and Richard Owen, and lay the same on the desks of Senators.

Mr. Johnson offered the following, which was adopted :

*Resolved*, That the Committee on the Rights and Privileges of the Inhabitants of the State be instructed to inquire into the expediency of so amending the law on the subject of the emigration of free negroes as to entirely prohibit the emigration of such persons from this State, and the removing of all such persons as are within this State in violation of the Constitution and laws of the State.

Mr. Ray offered the following, which was adopted :

*Resolved*, That the Secretary of State be requested to inform the Senate whether, in pursuance of an act of the General Assembly of 1859, the State authorities ordered the publication of two thousand copies of Mr. Owens' "Geological Survey;" and if so, have the said two thousand copies been furnished, and by whom, and where are the said books, and the terms of contract and price per copy, and all the facts in the case.

The President laid before the Senate the following :



TRUSTEES' OFFICE, WABASH AND ERIE CANAL, }  
 Terre Haute, January 9, 1863. }

HON. PARIS C. DUNNING:

SIR—I have the honor to transmit to you the annual report of the Trustees of the Wabash and Erie Canal, for the year 1862, to be laid before the body over which you preside,

Very respectfully,

THOMAS DOWLING,  
*Resident Trustee.*

On motion by Mr. Browne of Randolph,

The report was laid on the table, and 300 copies ordered to be printed for the use of the Senate.

Mr. Dickinson offered Senate bill No. 2, entitled "An act authorizing the Boards of Commissioners of the several counties of the State of Indiana, and the authorities of any incorporate city or town in said State, to make appropriations for the protection and maintenance of the families of volunteers, and for the encouragement of volunteers, and to provide for wounded and disabled soldiers, and for the disinterring, transportation, and interring of the bodies of any deceased soldiers, and for the erecting of monuments to their memories, and to make appropriations for the purchase of arms and equipments, for raising and maintaining of military companies for home defense, or for State or United States service, and for such other necessary expenditures for the defense of their respective counties, cities, and towns, as the exigencies of the times may require, and to empower county boards and the authorities of the incorporated towns and cities to make regulations for disbursement of the same, to legalize any appropriations heretofore made, and to authorize a special tax for the payment of the same.

Which was read the first time, and passed to the second reading on to-morrow.

Mr. Browne of Randolph introduced

Senate bill No. 3. A bill amending the 103d section of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms, in criminal actions, in the courts of this State," approved June 17, 1852;



Which was read a first time, and passed to a second reading on to-morrow.

Mr. Blair introduced

Senate bill No. 4. A bill to amend the second and third sections of an act entitled "An act regulating docket fees of District Attorneys in the Court of Common Pleas, and before Justices of the Peace, and regulating Prosecuting and District Attorney fees, in prosecutions on forfeited recognizances," approved June 4, 1861;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Dickinson introduced

Senate bill No. 5. An act amending section six of an "An act approved May 20, 1852, touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof; the making out and recording of plats of such towns, and providing for the change of the name of such towns;"

Which was read a first time, and passed to a second reading on to-morrow.

The President announced the order of the day to be the consideration of the message received some days since from the House of Representatives, proposing the election of United States Senators, with a pending amendment, fixing the time on Monday next, at 2 o'clock, P. M.

On motion by Mr. Cobb,

The further consideration thereof was postponed till 2 o'clock, P. M.

The President laid before the Senate the message from the House of Representatives, requesting the Senate to repair to the Hall to hear the message of His Excellency, the Governor.

On motion by Mr. Williams,

The message was laid upon the table.

A message from the House:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate of the passage of the following concurrent resolutions :

*Resolved by the House, the Senate concurring*, that a joint committee of ——— be raised, consisting of five members from the House, and ——— from the Senate, to whom shall be referred, for revision, the joint rules of the two Houses.

*Resolved further*, That the Rules for the Government of this House be referred, for revision, to the members of said committee from this House.

The Speaker appointed the following members on the part of the House :

Messrs. Howk, Branham, Wolfe, Niblack, and Newman.

The above resolution was concurred in.

*Resolved by the House of Representatives, the Senate concurring therein*, That our Senators be instructed, and our Representatives in Congress requested, to cast their votes and use their influence in favor of a law reducing the pay of all commissioned officers in the army of the United States, at least 25 per cent., and raising the pay of all privates at least four dollars per month.

On motion by Mr. Johnson,

The following amendment was agreed to :

Insert before the word "private," the words "non-commissioned officers and."

On motion by Mr. Landers,

The resolution and amendment was referred to the Military Committee :

Mr. Wolfe, from the select committee thereon, made the following report :

MR. PRESIDENT :

The undersigned, a majority of the select committee, to whom were referred the preamble and resolutions introduced by Mr. Browne of Randolph, respectfully report that they have had the subject-

matter of said resolutions under consideration, and are of the opinion that the action of the Senate on the material parts thereof, is not necessary or proper at the present time, and we respectfully submit the following reasons for that conclusion:

While it is true that the especial friends of said resolutions disclaim that the object in introducing them, and having them adopted by the Senate, was intended to be a condition precedent upon which the future action of the minority will depend; yet, it can not be denied that such a construction has generally been placed upon the action of the minority in urging their adoption at this early and unseasonable period of the session. To take definite action, therefore, at this time, and under such circumstances, unless there existed some urgent necessity, would not be compatible with our ideas of independence and self-respect. We deny the right of the minority to exact terms or declarations of intentions in advance of our actions. The duties of a Senator require that he should always be free to act as his judgment shall dictate for the best interest of his constituents, untrammelled by pledges, or by conditions and restrictions, save those contained in the Constitution which he is sworn to support. But there are special reasons for declining to take specific action on the material matters in said resolutions at the present time, which we will briefly state.

As it regards the subject-matter of the first resolution, we know of no disposition or intention on the part of any member of this body, or of the dominant political party in the State, to interfere with the exercise of the rightful powers of the general Government, for the purpose of putting down the rebellion and preserving the national Government under the Constitution; yet we do not desire to conceal the fact that we are opposed to much of the policy and conduct of the administration in its so-called efforts to accomplish those desirable objects; and especially are we opposed to the emancipation proclamation, of September the 22d, 1862, and the entire negro policy of the radicals who now, unfortunately, have control of the Government, believing that such policy is calculated to destroy, and not preserve the Union and constitutional liberty. And in proof of these opinions, we refer, with pain, to the deplorable condition of our national affairs, which we believe is the legitimate result of the cause stated. "The Constitution as it is, and the Union as it was," with "the negro where he is," is our motto; and at the proper time we will probably elaborate our views upon these important subjects, so as to give a full and fair expression of the

voice of Indiana upon all the questions connected with the momentous crisis of the country—an expression in accordance with the sentiments of the loyal people of Indiana, as foreshadowed by the ballot-box at the recent elections.

The second resolution we regard as particularly useless and premature. The military conduct of the Governor is a subject of pertinent and necessary inquiry, and that such inquiry ought to be instituted and rigidly prosecuted; and if any abuses are found in that department, they ought to be corrected by proper legislation. At the present time we are not prepared to say what legislation, if any, is needed on that subject. As it regards the “interfering with or circumscribing the Constitutional Military powers of the Executive of the State,” we can say that we have not heard of any intention to attempt such a foolish and impossible thing. The dominant party in this body will not infract the Constitution themselves, or permit others to do so.

The third resolution is obviously a correct rule for the government of the action of the Senate, and we hope the legislation of this session will meet the just expectations of the people in that regard. There never was a time when “rigid economy” was more needed by the tax-ridden people than now.

The fourth resolution will, we hope, be acted upon at the proper time, and that the system of arbitrary arrests will be fully broken up by proper legislation. The Constitutional rights of the citizens must be protected; unlawful seizures must be checked; speedy trials must be secured; the writ of *habeas corpus* cannot be denied, except as provided by the Constitution and the laws.

The fifth resolution is right, and will be acted upon when the subject is properly brought before the Senate.

The sixth resolution is the enunciation of a duty which we hope no member will undertake to resist or evade. The election of the officers named in said resolution is provided for by the constitution and laws of the State. The people have declared in favor of the dominant party in the Legislature. To thwart their will is a high political crime, which would deserve the reprobation of an indignant people.

We, therefore, recommend that the first resolution be referred to the Committee on Federal Relations; that the second resolution be referred to the Committee on Military Affairs; that the third resolution be referred to the Committee on Finance; that the fourth resolution be referred to the Committee on Rights and Privileges

that the fifth resolution be referred to a Special Committee on Apportionment, when raised; and that the sixth resolution be adopted.

Respectfully submitted,

S. K. WOLFE,  
P. HOAGLAND,  
J. D. WILLIAMS,  
ARCHIBALD JOHNSON,  
THOMAS R. COBB.

Mr. Mansfield, from the same committee, made the following report:

MR. PRESIDENT:

The undersigned minority of the special committee to whom was referred the preamble and resolutions introduced by the Senator from Randolph, beg leave to report that they have had the same under consideration, and that they suggest that said resolutions be amended by adding thereunto as follows:

“7. *Resolved*, That nothing in the foregoing resolution shall be so construed as to imply an indorsement or a censure of the policy pursued by the President of the United States, or by the Governor of the State of Indiana, but to leave those subjects open to the further consideration of the Senate.”

And when so amended they recommend the adoption of the aforesaid resolutions.

Respectfully submitted,

JOHN L. MANSFIELD,  
J. H. MELLETT,  
M. D. WHITE.

Mr. Johnson moved to lay the report from the minority on the table.

Messrs. Marsh, and Browne of Randolph, demanded the ayes and noes, and they were ordered, and being taken, resulted—ayes 26, noes 22, as follows:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hord,	Ray,
Bradley,	Finch,	Jenkins,	Shields,
Brown of Wells,	Fuller,	Johnson,	Shoulders,
Cobb,	Gaff,	Landers,	Williams,
Corbin,	Gifford,	McClurg,	Wilson, and
Davis of Cass,	Hartley,	Marshall,	Wolfe—26.
Douglass,	Hoagland,	Moore,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Blair,	Dickinson,	Murray,	Wright—22.
Browne of R.,	Graves,	New,	

So the minority report was laid on the table.

Mr. March moved to concur in the report with the following amendment: Amend by adding to the last resolution the following:

“After this General Assembly shall have briefly declared the principles by which such officers, especially United States Senators, should be governed, in the discharge of their official duties, in aiding the General Government in its effort to put down the existing rebellion, preserve the Constitution intact, and restore the Union of all the States.”

Mr. Cobb moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. March and Corbin, and being ordered and taken, resulted—ayes 26, nays 22, as follows:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hord,	Ray,
Bradley,	Finch,	Jenkins,	Shields,
Brown of Wells,	Fuller,	Johnson,	Shoulders,



Cobb,	Gaff,	Landers,	Williams,
Corbin,	Gifford,	McClurg,	Wilson, and
Davis of Cass,	Hartley,	Marshall,	Wolfe—26.
Douglass,	Hoagland,	Moore,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Mellet,	White, and
Blair,	Dickinson,	Murray,	Wright—22.
Browne of R.,	Graves,	New,	

So the amendment was laid on the table.

Mr. Johnson moved to concur in the majority report.

The ayes and noes were demanded by Messrs. Mellett and Cobb, and being ordered and taken, resulted, ayes 26, noes 22, as follows:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hord,	Ray,
Bradley,	Finch,	Jenkins,	Shields,
Brown of Wells,	Fuller,	Johnson,	Shoulders,
Cobb,	Gaff,	Landers,	Williams,
Corbin,	Gifford,	McClurg,	Wilson, and
Davis of Cass,	Hartley,	Marshall,	Wolfe—26.
Douglass,	Hoagland,	Moore,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Shields,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Mellet,	White, and
Blair,	Dickinson,	Murray,	Wright—22.
Browne of R.,	Graves,	New,	

So the majority report was concurred in.



On motion by Mr. Cobb,  
The following message from the House was taken up:

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives has passed the following concurrent resolution, in which the concurrence of the Senate is requested:

I am also directed to inform the Senate that the House has appointed the following joint committee on revision of rules of the two Houses, to-wit: Messrs. Howk, Niblack, Branham, Wolfe, and Moorman.

*Resolved, by the House, (the Senate concurring,)* That a committee of two on the part of the Senate, and three on the part of the House, be appointed to examine and report at an early day, whether any railroad companies in this State are charging higher rates for the transportation of passengers and freight than is allowed by their charters, and also whether the same rate per mile is charged for transporting.

On motion by Mr. Graves,  
The resolution was concurred in.

A message from the House:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate of the following concurrent resolution, in which the concurrence of the Senate is requested:

*Resolved, That this House will (the Senate concurring,)* go into the election of United States Senators this afternoon, at three o'clock.

Mr. Brown of Wells county moved that the Senate concur.

Mr. Mellet moved to postpone the further consideration thereof till to-morrow morning at 10 o'clock,

Pending which,

On motion of Mr. Dunning,  
The Senate adjourned.

2 O'CLOCK, P. M.

Senate met.

The President announced the special order to be the consideration of the House resolution received some days since, proposing a joint convention for the election of United States Senators, with the pending amendment, to postpone its consideration till 2½ o'clock Monday next.

Mr. Johnson moved to concur with the following amendment to the amendment, as follows :

Strike out all after the word resolved, and insert the following: "That the Senate will, (the House concurring,) proceed, on Wednesday, January 14, at 3 o'clock, P. M. of said day, in joint convention, in the Hall of the House of Representatives, to the election of two United States Senators—one to serve as such until the 4th day of March, 1863, and one from the 4th day of March, 1863, until the 4th day of March, 1869."

The ayes and noes being demanded by Messrs. Murray and Dunning,

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hord,	New,
Bearss,	Dunning,	Jenkins,	Ray,
Beeson,	Finch,	Johnston,	Shields,
Berry,	Fuller,	Landers,	Shoulders,
Bradley,	Gaff,	McClurg,	Teegarden,
Brown of R.,	Gifford,	Mansfield,	White,
Brown of Wells,	Graves,	March,	Williams,
Campbell,	Grubb,	Marshall,	Wilson,
Cobb,	Hartley,	Moore,	Wolfe, and
Culver,	Hoagland,	Murray,	Wright—40.
Davis of Cass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Dickinson,	Reed—6.
Blair,	Davis of Parke,	Pleak, and	

So the amendment was adopted.

The House resolution, as amended, was then concurred in.

On motion, by Mr. Murray,

The following message from the House was taken up:

MR. PRESIDENT:

The House has adopted the following concurring resolution, to-wit:

*“Resolved,* That a committee of three on the part of this House, and two on the part of the Senate, be appointed to confer with his Excellency, the Governor, and ascertain at what time it will suit his pleasure to deliver his annual message to the General Assembly of the State of Indiana; and the Speaker has appointed Messrs. Brown, Branham and Niblack, committee on the part of the House.”

Mr. Brown of Wells moved to concur in the House resolution.

The motion was agreed to, and the President makes the committee, on the part of the Senate, to consist of Messrs. Brown of Wells, and Browne of Randolph.

Mr. Browne of Randolph asked and obtained leave of absence for Mr. Mellett.

Mr. Cobb offered the following resolutions:

WHEREAS, Disagreements may arise in the present imperiled and calamitous condition of our country as to the best means of restoring to it the former peace, prosperity and happiness which it so long enjoyed; AND WHEREAS, this Senate, and every member thereof, “banishing all passion and resentment,” and appealing to the higher and loftier sentiments of love of country, do desire, in the presence of imminent danger to our sacred Constitution, to do no

act not consistent with the obligations which they owe to the people of Indiana and to the people of the several States comprising the American Union; AND WHEREAS, it is essential to the rightful progress of legislation that a united effort should be made to give force and vigor to those great elemental principles of popular freedom so intimately interwoven with our National and State Constitutions, and so dear to our people everywhere; AND WHEREAS, it is the anxious desire of all loyal citizens that their representatives and servants shall so conduct the public affairs that peace shall be speedily restored, rebellion against the laws suppressed, the Union re-established as it was, the National tax-gatherer withdrawn from the States, the liberty of speech and of the press recognized as the sacred inheritance of freemen, the several Commonwealths again bound together in a union of brotherhood never again to be shaken by the devices of Secessionists or Abolitionists, and our gallant soldiers again allowed to return to their kindred and friends; AND WHEREAS, this great good can only be accomplished by the aid of the several State authorities, acting in concert with a patriotic National Executive and a Congress devoted to the Constitution; therefore,

*Resolved*, That this Senate, acting for and in behalf of the people of Indiana, regard the maintenance of the Union of the States as of the first importance, and that its members pledge to each other devotion to that sacred task, believing that while that Union exists we have the promise of present and future blessings for our beloved land; and we further declare that we are prepared to aid every department of our State Government in upholding that Union to the extent of our constitutional powers.

*Resolved*, That we are opposed to all acts of the National Executive which tends to subvert the liberties of the people or to interfere with the rightful powers of the States; and declare, in the language of General Washington, that "it is important that the habits of thinking in a free country should inspire caution, in those intrusted with its administration, to confine themselves within their proper constitutional spheres; avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus create, whatever may be the form of government, a real despotism. \* \* \* To preserve [free institutions]

must be as necessary as to institute them. But let there be no change by usurpation." We adopt this language of the father of his country, and ask and acknowledge no higher badge of loyalty to our beloved country.

*Resolved*, That this Senate acknowledges its obligations to aid in defending, supporting, and obeying the Constitution of this State and of the United States, and of upholding the Union made under and by virtue of that Constitution—that, for this purpose, it is prepared to unite with the Executive and other branches of the State Government in every proper measure for these desirable ends; but it is the solemn purpose of this Senate to abdicate none of its powers of legislation, nor to abandon any of its unquestioned rights for giving a full and fair expression of that popular will by which it was invested. It will hear all suggestions for the peaceable compromise of disagreements, but *ultimatums*, coming from what source they may, must be rejected. In the choice of agencies, for accomplishing the safety of the people and the Union, this Senate must have a voice.

*Resolved*, That this Senate has witnessed with regret, for many months past, a disposition on the part of the Administration and Congress, to abandon the policy to which it was pledged at the beginning of this unhappy and deplorable civil war—that both the President and Congress have departed from their promises to the nation, and given sad and unmistakable proof that the country has been wronged in the objects for which this war has been conducted. The President declared in his inaugural message (and repeated the same in his annual message in substance) as follows: "I have no purpose, *directly* or *indirectly* to interfere with the institution of slavery in the States where it exists. I believe I have *no lawful right to do so*, and I have no inclination to do so." And the Thirty Sixth Congress, by a unanimous vote, declared, "That neither the Congress of the United States, nor the people or Governments of the non-slaveholding States, have the constitutional right to legislate upon, or interfere with, slavery in any of the slaveholding States of the Union." These sentiments of the President and Congress meet our hearty approval, and all acts in derogation thereof have our mature and decided condemnation.

*Resolved*, That the pledge of the present Congress, on the 22nd

day of July, 1861, in the face of the dangers which threatened the Capitol, "That this war was not waged, on our part, in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights or established institutions of these States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality and rights of the several States unimpaired," brought six hundred thousand men into the field in defense of our sacred institutions; and that it was, in our opinion, "most unjust and ungenerous to give any new character or direction to the war," especially for the accomplishment of any mere party or sectional scheme, and that, so far as this has been done, it meets the unqualified disapproval of this Senate, as it has of the State of Indiana.

*Resolved*, "That (in the language of John J. Crittenden and the conservative members of the present Congress) the Constitution confers powers adequate to all the purposes of peace or war—that it is the same in war and in peace, on the battle field and in the halls of Congress, and ought to be sacredly observed everywhere—and the presumptuous idea that has been advanced by some of the Abolition leaders in Congress, that the existence of war invests Congress with despotic power, is a pretension as groundless as it is odious, and is to be utterly condemned by every man who has any regard for his own liberty, or for the Constitution of his country."

*Resolved*, That the frequent arrest and incarceration in prisons of persons resident in this and other States, without warrant or authority of law, and without trial or opportunity to confront their accusers, is a grave offense against the Constitutions of this and neighboring States, and one which calls for a speedy and effective remedy. Whether these wrongs have been perpetrated by National or State authority, makes but little difference; but the remedy is with the law-making power, and that remedy must be asserted. The freedom of speech and of the press belongs to the citizen, and the *law*, and not the President or Governor, must regulate the abuse of those great agencies in popular discussion. We adopt the language of Daniel Webster, (the great expounder of the Constitution,) and declare: "Important as we deem it to discuss, on all proper occasions, the policy of the measures at present pursued, it is still more important to maintain the *right* of such discussion



to its full extent. Sentiments lately sprung up, and now growing popular, render it necessary to be explicit on this point. It is the ancient and constitutional right of this people to canvass public measures, and the merits of public men. It is a home-bred right, a fire-side privilege. It has ever been enjoyed in every house, cottage and cabin in the nation. It is not to be drawn into controversy. It is as undoubted as the right of breathing the air and walking on the earth. Belonging to private life as a right, *it belongs to public life as a duty.* \* \* This high constitutional privilege we will defend and exercise within this House and without this House, and in all places—in *time of war, in time of peace, and at all times.* Living, we will assert it; dying, we will assert it; and should we leave no other legacy to our children, by the blessing of God we will leave to them the inheritance of free principles, and the example of a manly, independent and constitutional defense of them.”

*Resolved,* That the emancipation proclamation of the President of the United States is, in the opinion of this Senate, an executive usurpation, a measure of great injustice to the nation, and is calculated to bring upon the country the dire calamities of permanent disunion, murder, bloodshed, rapine, and other nameless atrocities, and that the same ought to be promptly withdrawn. We adopt the language of John Quincy Adams, the learned and able statesman, now no more, and declare, “the principle is, that the emancipation of enemies’ slaves is not amongst the acts of legitimate war. As relates to the owners, it is a destruction of private property nowhere warranted by the usages of war. \* \* \* \* No such right is acknowledged as a law of war by writers who admit any limitation. The right of putting to death all prisoners of war in cold blood, and without special cause, might as well be represented to be a law of war, or the right to use poisoned weapons, or the right to assassinate.”

*Resolved,* That this war, so long desolating the land, and wasting the blood and treasure of a kindred people, ought to be speedily brought to a close, either by the active overthrow of the rebellion by force of arms, or by the more humane and Christian agencies of compromise and concession; and that we solemnly declare our conviction that one or the other mode must be soon successful, or the nation is undone. The majority of this Senate favored the latter mode of settlement, as the legitimate remedy for

sectional passion; but the party in possession of the Government, adopted the war policy, and its experiments have been attended with but little advantage. We suspect that the declaration of Secretary Seward is to be fulfilled, and that war and coercion is not the rightful remedy for our troubles. In his dispatch to Mr. Adams, our Minister to England, under date of April 10, 1861, Mr. Seward said: "For these reasons, he (President Lincoln,) could not be disposed to reject a cardinal dogma of theirs [the seceding States,] namely, that the Federal Government could not reduce the seceding States to obedience by conquest, even though he was disposed to question the proposition. But, in fact, the President willingly accepts it as true. Only an imperial or despotic Government could have the right to subjugate disaffected and insurrectionary States. This Federal Republican system of ours is, of all forms of Government, the very one which is most unfitted for such a labor." This Senate neither controverts nor adopts the theory of Mr. Lincoln and his able Secretary, in regard to the despotism of coercion, nor the inability of the Federal Government to reduce to obedience the seceding States; but it may ask the world to decide, if that theory be true, for what has this carnage and desolation been inaugurated, and for what purpose do these graves open to receive the gallant soldiers of the republic? If it be for any purpose less sacred than the restoration of the Union, then this Senate declares that the war is unworthy the support of a civilized and Christian nation, and must end in the final overthrow of our present form of constitutional Government.

On motion by Mr. Cobb,

The resolutions were referred to the Committee on Federal Relations.

On motion by Mr. Landers,

The Senate adjourned.

WEDNESDAY, 9 o'clock, A. M., }  
January 14, 1863. }

The Senate met, and was called to order by the Secretary, the President being absent.

On motion by Mr. Douglass,

Mr. Brown of Wells took the chair.

The Journal of yesterday was read.

A Message from the House :

MR. PRESIDENT :

I am directed by the House of Representatives to say that the House has concurred in the amendment of the Senate to the concurrent resolution of the House, relative to the election of United States Senators, and will be prepared to go into the election of two Senators at the hour of 3 P. M., this day, in accordance with the resolution of the Senate.

Mr. Shields offered the following, which was adopted :

*Resolved*, That the Committee on Elections be instructed to employ a Clerk for such time as they may deem proper.

Mr. Berry offered the following, which was adopted :

*Resolved*, That any committee desiring the services of a Clerk, shall, before employing the same, obtain leave of the Senate, and no Clerk of a committee shall receive any compensation for services rendered prior to such leave being granted.

Mr. Brown of Wells offered the following, which was adopted :

*Resolved*, That the Committee on the Judiciary be instructed to inquire whether or not sufficient power is given by the Constitution to the Legislative branches of the State government to compel the attendance of their members ; if not, whether or not an amendment, or amendments to the Constitution, conferring such power, be ad-

visible ; or, if such power is given by the Constitution, whether or not any legislation in pursuance thereof is needed, and that they report at the earliest practicable period in the session, by bill, rule, or otherwise.

Mr. Moore offered the following, which was adopted :

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing the office of Attorney General, with leave to report by bill or otherwise.

Mr. Claypool offered the following, which was adopted :

WHEREAS, It is said that the Senator from Henry, Hon. Joshua H. Mellett; the Senator from Laporte, Hon. A. Teegarden; the Senator from Shelby, Hon. Martin M. Ray; the Senator from Miami, Hon. Daniel R. Bearss, have, since their election as Senators, been appointed and discharged the duties of Enrolling or Drafting Commissioners for their respective counties; therefore,

*Resolved*, That the Committee on Elections be instructed to inquire and report to this Senate whether the Senators aforesaid have vacated their seats in this Senate, by their acceptance of the position of Enrolling or Drafting Commissioners, as aforesaid.

Mr. Bradley offered the following, which was adopted :

*Resolved*, That the Auditor of State be requested to communicate to the Senate whether the taxes levied by the State, from time to time, upon the property of corporations, for common school purposes, has been set aside and distributed to the counties as principal of the common school fund, or whether the same has been distributed under the head of interest of common school fund.

Mr. Browne of Randolph offered the following resolution :

*Be it Resolved*, That the following amendment, offered by the Senator from Wayne, to the resolution offered by the Senator from Randolph, which is omitted by the Secretary, because ruled out of order by the President in the Journal of yesterday, be and is hereby inserted in the Journal :

Amend by adding to last resolution the following: "But no person will be supported for any office to be filled by this General

Assembly, who shall not first have publicly declared his opinion in relation to the aid which ought to be rendered to the General Government in its efforts to put down the existing rebellion, preserve the Constitution, and restore the union of all the States.

The ayes and noes were demanded by Messrs. Marshall and Teegarden, and being ordered and taken, resulted, ayes 24, noes 22, as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	Hartley,	New,
Bearss,	Culver,	Hord,	Pleak,
Beeson,	Davis of Cass,	McClurg,	Reed,
Berry,	Davis of Parke,	Mansfield,	Teegarden,
Blair,	Dickinson,	March,	White, and
Browne of R.,	Graves,	Murray,	Wright—24.
Campbell,	Grubb,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Finch,	Johnson,	Shields,
Bradley,	Fuller,	Landers,	Shoulders,
Brown of Wells,	Gaff,	Marshall,	Williams,
Cobb,	Gifford,	Moore,	Wilson, and
Douglass,	Hoagland,	Ray,	Wolfe—22.
Dunning,	Jenkins,		

So the resolution was adopted.

The President laid before the Senate the following communication:

OFFICE OF SECRETARY OF STATE, }  
*Indianapolis, January 13, 1863.* }

TO HON. PARIS C. DUNNING,

*Speaker of Senate:*

DEAR SIR:—In response to the attached resolution, I submit the following as my answer thereto:

Under the third section of the act of the 5th of March, 1859, the Governor was required to have 2,000 copies of the report of the State Board of Agriculture, touching the expenses, &c., of a Geo-

logical reconnoissance of the State, printed. Since I came into office, (January 17, 1861,) no such report has ever been made or printed to my knowledge.

Mr. Owen's report to the State Board of Agriculture has been printed and bound in book form by H. H. Dood & Co., as assignees, &c. The printing and publication of this book was directed, as I am informed and believe, by Governor Hammond, and indorsed and approved by Governor Lane. The book contains 360 pages, or thereabouts; is well bound, and I doubt not a very valuable book.

The \$5,000 appropriation, in the act of 1859, was exhausted before this report was published, and hence have not felt authorized to receive the book, or certify the claim. I would, however, most respectfully suggest that the General Assembly make the necessary appropriation for the books, and distribute the same to the people of the State.

I am, very truly, &c.,

W. A. PEELLE,  
*Secretary of State.*

N. B. — The copy of the resolution sent me is mislaid, and I cannot accompany it with this answer.

On motion by Mr. Ray,  
The communication was referred to the Committee on Finance.

Mr. Hartley offered the following, which was rejected:

*Resolved*, That the State Librarian be directed to furnish each member of the Senate a copy of Cushing's Manual.

Mr. March offered the following, which was adopted:

*Resolved*, That the Auditor of State be requested that, at the earliest possible moment, he furnish, for the use of the Senate, a copy of the report filed in his office of the amount of fees of various County and State officers.

Mr. Wolfe offered the following, which lies over one day under the rules.

*Resolved*, That the following additional standing rule of the



Senate shall be adopted: When a resolution, motion or other matter is offered for the consideration of the Senate, and is ruled out of order, the same shall not appear upon the Journal, unless by the special order of the Senate.

Mr. March introduced a joint resolution :

Senate bill No. 1, Entitled "A joint resolution proposing amendment to article eight, and twenty-third section of article four of the constitution, enabling cities, townships and towns to levy taxes for the support of Common Schools, and so to provide for laws necessary to secure that object;"

Which was read a first time, and passed to a second reading.

Mr. New introduced a bill :

Senate bill No. 6, Entitled "A bill ceding to the United States of America, jurisdiction over certain lands and their appurtenances, in the county of Marion, and exempting the same from taxation;"

Which was read a first time, and passed to a second reading.

Mr. Wilson introduced

Senate bill No. 7. An act to amend sections thirty-three and thirty-five of an act entitled "An act to provide for a general system of Common Schools, the officers thereof, and their respective duties and matters properly connected therewith, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith," approved March 11, 1861;

Which was read a first time, and passed to a second reading.

Mr Browne of Randolph introduced

Senate bill No. 8, entitled an act to repeal an act entitled "An act to provided for the Election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana," approved February 21, 1855, and fixing a time when this act shall take effect.

Which was read the first time, and passed to a second reading.

Mr. Browne of Randolph introduced

Senate bill No. 9, Entitled "A bill repealing the tenth section  
S. J.—5

of an act entitled 'an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof,' " approved June 11, 1852.

Which was read the first time, and passed to a second reading.

The President directed the Secretary to read the following message from the House :

MR. PRESIDENT:

The House of Representatives has adopted the following concurring resolutions, to-wit :

*Resolved, by the House of Representatives, (the Senate concurring,) That the two Houses meet in joint convention in this Hall at 4 o'clock, P. M., or immediately after the election of United States Senators, this day, and proceed to the election of State Agent, President of the Board of Sinking Fund Commissioners, State Printer, and State Librarian, in the order in which they are named in this resolution, and respectfully ask the concurrence of the Senate.*

On motion by Mr. Landers,

The Senate concurred in the resolution with an amendment, striking out all in reference to the State Printer.

Mr. Brown of Wells offered the following resolution, which was adopted :

*Resolved, That when the Senate adjourns, it adjourn to meet at 3 o'clock this afternoon.*

Mr. Cobb asked and obtained leave of absence for Mr. Corbin, on account of sickness.

Mr. Wolfe, from the committee thereon, submitted the following report :

MR. PRESIDENT:

The committee of the Senate to report standing rules, report that they have had a conference with a similar committee on the part of the House, in regard to joint rules, and have directed me to report that they have agreed upon the following joint rules :

## JOINT RULES

*For conducting business in the two Houses of the General Assembly  
of the State of Indiana.*

1. While bills and joint resolutions are on their passage between the two Houses, they shall be on paper, under the signature of their clerks respectively.

2. After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled on paper; and the Clerk of the House where it originated shall indorse upon the back thereof the House in which it originated, under which he shall place his signature.

3. Every bill or joint resolution, after being enrolled, shall be examined by the joint committee of enrolled bills, consisting of three from the Senate and six from the House, appointed as a standing committee for that purpose; one of whom on the part of the Senate and two from the House, shall be sufficient to act, who shall compare the same with the engrossed bill, and correct any errors they may discover, so as to make it agree therewith, and make their report forthwith to their respective Houses.

4. Every bill or joint resolution reported to have been duly enrolled shall be signed, first by the Speaker of the House of Representatives, who shall send the same to the Senate; then by the President of the Senate; after which it shall be presented by the joint committee of enrolled bills to the Governor for his approbation and signature; and the said committee shall report to their respective Houses the day of their presentation, which report shall be entered on the journals of each House.

5. All bills and joint resolutions shall be signed by the Speaker of the House of Representatives and the President of the Senate, in their Houses respectively, when in session, which shall be carefully noted on the Journals of each House.

6. When any paper or papers, proper to be acted upon by both Houses, shall come before either, the House before which such paper

or papers are laid, shall, after acting thereupon, lay it, or them, before the other House.

7. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairman, meet in the conference chamber, and state to each other, verbally, or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon and report to each House their proceedings thereon. A committee of conference shall consist of two members from each House. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

8. In all cases where the Sergeant-at-Arms of one House shall, by reason of official engagements or other cause, be unable to execute the commands or process of the House of which he is an officer, it shall be the duty of the Sergeant-at-Arms of the other House, to execute such commands, together with such process, as may be directed to him by the presiding officer thereof.

9. The following standing committees, on the part of each House, shall be appointed, to act as joint committees :

A Standing Committee on Enrolled Bills, to consist of six on the part of the House, and three on the part of the Senate.

A Committee on Public Buildings, to consist of three from each House.

A committee on the State Library, to consist of three members from each House.

A Committee on the Canal Fund, to consist of three members from each House.

10. In all elections which require a distinct and separate vote of each House, the voting shall be simultaneous in both Houses. No person shall be deemed to be elected in the proper House, making

such separate choice, unless he receives a majority of all the votes given in such House. Each House shall, as soon as a choice may be made on such separate voting, forthwith communicate the same to the other House, and if it shall appear that the Houses have concurred in their choice of any or either of the persons so voted for, such person or persons shall be deemed and declared duly elected. But if the Houses do not concur in their choice of each and all the officers so to be elected, then, in such case, the two Houses shall in like manner forthwith proceed to a second separate choice of the remaining officers so attempted to be elected. But if no concurrence then be had, the two Houses shall, in like manner, proceed to a third separate choice. If the two Houses shall not have concurred in their third separate choice, the two Houses shall proceed to joint vote *instantly*, for the election of such officer or officers as the two Houses may have failed, for want of concurrence, as aforesaid, to elect.

11. In all joint conventions and meetings of the two Houses, it shall be incompetent for either House, or the members thereof, or the Joint Convention, to engage in the transaction of any business other than that for which they were so specifically assembled.

12. When a message is sent to the Senate or to the House of Representatives, it shall be announced at the door by the Sergeant-at-Arms, or by the Doorkeeper, and shall be respectfully communicated to the Chair, by the person by whom sent.

13. Messages shall be sent by such persons as the President of the Senate or Speaker of the House may designate for that purpose.

14. No bill that shall have passed one House, shall be sent for concurrence to the other, on the last two days of the session.

15. When bills which have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

16. No spirituous liquors shall be offered for sale, or exhibited, within the Capitol, or on the public grounds adjacent thereto.

On motion by Mr. March,  
The report was concurred in.

On motion by Mr. Brown of Randolph,  
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

A message from the House :

MR. PRESIDENT:

I am directed to inform the Senate that the House has concurred in the amendment made by the Senate to the concurrent resolution of the House, relative to the election of certain officers in joint convention at 4 P. M., this day, by striking out of the original resolution the office of State Printer.

On motion by Mr. Wolfe,  
The following was adopted :

*Resolved*, That the Auditor of State be requested to lay before the Senate an abstract of the statistics of fees and salaries on file in his office, in pursuance of an act of the General Assembly, approved June 3, 1861, said abstract to give each county separately, and the fees of each officer in said act named separately, and also, under the head each officer to give the several items separately that are mentioned in said act.

Mr. March introduced

Senate Joint Resolution No. 2, Entitled "a joint resolution proposing an amendment to the second section of article second of the Constitution, so that the Legislature may more effectually guard against fraudulent voting."



Which was read the first time, and passed to a second reading.

Mr. Teegarden offered the following, which was adopted :

*Resolved*, That the Joint Committee on Corporations be instructed to inquire into the expediency of so amending the act under which cities are incorporated, so as to make the owners of stock running at large in incorporated cities responsible for all damage done to persons or property.

A message from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has adopted the following resolution :

*Resolved*, That this House is now ready to go into joint convention, as provided by the concurrent resolutions of the two Houses of this General Assembly, heretofore adopted, and that the Senate be invited to repair immediately to the Hall of this House for that purpose, and they are accordingly invited to repair immediately to the Hall of the House.

Thereupon the Senate, in a body, preceded by the President thereof, repaired to the Hall of the House.

The President of the Senate called the joint convention of the two Houses to order.

Senator Ray offered the following, which was adopted :

WHEREAS, The two branches of the General Assembly being now convened in joint convention, in pursuance of a concurrent resolution of said branches, for the purpose therein mentioned; therefore,

*Resolved*, That we do now proceed, in pursuance of said concurrent resolution, to the election of one United States Senator to serve from this date until the 4th day of March, 1863, and one United States Senator to serve for the term of six years from and after the 4th day of March, 1863, and that the election be by *viva voce* vote.

The President of the Senate announced that nominations of a candidate for the short term in the United States Senate was in order.

Representative Bird nominated the Honorable David Turpie, of White county.

Representative Moorman nominated the Hon. Daniel D. Pratt, of Cass county.

No other nominations being made, the result of the first ballot is as follows:

THOSE WHO VOTED FOR DAVID TURPIE WERE—

Messrs.	Dunning,	Hord,	Ray,
Bradley,	Finch,	Jenkins,	Shields,
Brown of Wells,	Fuller,	Johnson,	Shoulders,
Cobb,	Gaff,	Landers,	Williams,
Corbin,	Gifford,	McClurg,	Wilson, and
Davis of Cass,	Hartley,	Marshall,	Wolfe—26.
Douglass,	Hoagland,	Moore,	

On the part of the Senate.

Messrs.	Hanna,	Lee,	Reitz,
Abbett,	Harden of W.,	Lemmon of H.,	Richardson,
Bird,	Hardin of Perry,	Lemmon of S.,	Rippey,
Blocher,	Harney,	Mason,	Roberts,
Brogan,	Hetfield,	McCaughey,	Ryan,
Brown,	Holcomb,	Miller,	Shaffer,
Burton,	Hon,	Milroy,	Shoaff of Allen,
Collins,	Howard,	Mutz,	Shoaff of Jay,
Cook,	Howell,	Niblack,	Spencer,
DeBruler,	Howk,	O'Brien of M.,	Veach,
Donaldson,	Humphreys,	Osborn,	Waterman,
Ferris,	Kemp of Dubois,	Packard,	Williams,
Garvin,	Kemp of Vigo,	Pendleton,	Wolfe,
Given,	Lake,	Priest,	Woollen, and
Hall,	Lasselle,	Puett,	Mr. Speaker—59.

On the part of the House. Total 85.

## THOSE WHO VOTED FOR DANIEL D. PRATT WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Blair,	Dickinson,	Murray,	Wright—22.
Browne of R.,	Graves,	New,	

On the part of the Senate.

Messrs.	Davis,	Johnson,	Newman,
Abdill,	Forrester,	Jones,	Noyes,
Anderson,	Gregg,	Kendrick,	Perry,
Atkison,	Gregory,	Kilgore,	Pettibone,
Baker,	Griffith,	Lamb,	Robinson,
Branham,	Hershey	Leeds,	Roe,
Budd,	Higgins,	Marshall,	Stone,
Beyerle,	Hostetter,	Moorman,	Tarkington,
Cason,	Hutchings,	Morgan,	Van Buskirk and 40,
Cass, 10	James, 10	Mustard, 10	Woodruff—40.
Chambers,			

On the part of the House. Total 63.

The whole number of votes cast, 147; necessary to a choice, 76; of which the Hon. David Turpie received 85 votes, and the Hon. Daniel D. Pratt, 62.

Hon. David Turpie having received a majority of all the votes cast, the President of the Senate declared him to be duly elected United States Senator to Congress, from the State of Indiana, to serve as such till the 3d day of March next, inclusive.

The President of the Senate announced nominations of a candidate for the United States Senate, long term, to be in order.

Representative Blocher nominated the Hon. Thos A. Hendricks, of Marion county.

Senator March nominated the Hon. Joseph A. Wright, of Parke county.

No other nominations being made,

## THOSE WHO VOTED FOR THOMAS A. HENDRICKS WERE—

Messrs.	Dunning,	Hord,	Moore,
Bradley,	Finch,	Jenkins,	Ray,
Brown of Wells,	Fuller,	Johnson,	Shields,
Cobb,	Gaff,	Landers,	Shoulders,
Corbin,	Gifford,	McClurg,	Wilson, and
Davis of Cass,	Hartley,	Marshall,	Wolfe—26.
Douglass,	Hoagland,		

On the part of the Senate.

Messrs.	Hanna,	Lasselle,	Richardson,
Abbett,	Harden of W.,	Lee,	Rippee,
Bird,	Hardin of Perry,	Lemmon of H.,	Roberts,
Blocher,	Harney,	Lemmon of S.,	Ryan,
Brogan,	Hetfield,	Mason,	Shaffer,
Brown,	Holcomb,	McCaughy,	Shoaff of Allen,
Burton,	Hon,	Miller,	Shoaff of Jay,
Collins,	Howard,	Milroy,	Spencer,
Cook,	Howell,	Mutz,	Stone,
DeBruler,	Howk,	Niblack,	Veach,
Donaldson,	Humphreys,	O'Brien of M.,	Waterman,
Ferris,	Kemp of Dubois,	Priest,	Williams,
Garvin,	Kemp of Vigo,	Puett,	Wolfe, and
Given,	Lake,	Reitz,	Mr. Speaker—59.
Hall,			

On the part of the House. Total 85.

## THOSE WHO VOTED FOR JOSEPH A. WRIGHT WERE—

Messrs.	Campbell,	Gaff,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Mellet,	White, and
Blair,	Dickinson,	Murray,	Wright—22.
Browne of R.,	Graves,	New,	

Of the Senate.

Messrs.	Chambers,	James,	Newman,
Abdill,	Davis,	Johnson,	Noyes,

Anderson,	Forrester,	Jones,	Perry,
Atkison,	Gregg,	Kendrick,	Pettibone,
Baker,	Gregory,	Lamb,	Robinson,
Branham,	Griffith,	Leeds,	Roe,
Budd,	Hershey,	Marshall,	Stone,
Beyerle,	Higgins,	Moorman,	Tarkington,
Cason,	Hostetter,	Morgan,	VanBuskirk, and
Cass,	Hutchings,	Mustard,	Woodruff—39.

Of the House of Representatives.

Total vote for Joseph A. Wright—61.

Mr. Kilgore voted for the Hon. Schuyler Colfax—1.

Whole number of votes cast, 147; necessary to a choice, 76; of which the Hon. Thomas A. Hendricks received 85 votes, the Hon. Joseph A. Wright 61 votes, and Schuyler Colfax 1 vote.

The Hon. Thomas A. Hendricks, having received a majority of all the votes cast, the President of the Senate declared him to be duly elected a United States Senator in Congress from the State of Indiana, to serve as such for six years from the 4th day of March, 1863.

On motion by Senator Wolfe,

The convention agreed to proceed to the election of an Agent of State, a President of the Board of Sinking Fund Commissioners, and a State Librarian, in the order named.

The President announced that nominations of a candidate for State Agent was in order.

Representative Holcomb nominated the Hon. John C. Walker, of Laporte county.

Representative Moorman nominated the Hon. James D. McDonald, of Fountain county.

There being no other nominations, the result of the first ballot is as follows :

## THOSE WHO VOTED FOR JOHN C. WALKER WERE—

Messrs.	Dunning,	Hord,	Ray,
Bradley,	Finch,	Jenkins,	Shields,
Brown of Wells,	Fuller,	Johnson,	Shoulders,
Cobb,	Gaff,	Landers,	Williams,
Corbin,	Gifford,	McClurg,	Wilson, and
Davis of Cass,	Hartley,	Marshall,	Wolfe—26.
Douglass,	Hoagland,	Moore,	

## Of the Senate.

Messrs.	Hanna,	Lee,	Reitz,
Abbett,	Harden of W.,	Lemmon of H.,	Richardson,
Bird,	Hardin of Perry,	Lemmon of S.,	Rippey,
Blocher,	Harney,	Mason,	Roberts,
Brogan,	Hetfield,	McCaughey,	Ryan,
Brown,	Holcomb,	Miller,	Shaffer,
Burton,	Hon,	Milroy,	Shoaff of Allen,
Collins,	Howard,	Mutz,	Shoaff of Jay,
Davis,	Howell,	Niblack,	Spencer,
DeBruler,	Howk,	O'Brien of M.,	Veach,
Donaldson,	Humphreys,	Osborn,	Waterman,
Ferris,	Kemp of Dubois,	Packard,	Williams,
Garvin,	Kemp of Vigo,	Pendleton,	Wolfe,
Given,	Lake,	Priest,	Woollen, and
Gregg,	Lasselle,	Puett,	Mr. Speaker—59.
Hall,			

## Of the House.

Total for John C. Walker—85.

## THOSE WHO VOTED FOR JAMES D. M'DONALD WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Mellet,	White, and
Blair,	Dickinson,	Murray,	Wright—22.
Browne of R.,	Graves,	New,	

## Of the Senate.



Messrs.	Chambers,	Jones,	Noyes,
Abdill,	Cook,	Kendrick,	Perry,
Anderson,	Gregory,	Kilgore,	Pettibone,
Atkison,	Griffith,	Lamb,	Robinson,
Baker,	Hershey,	Leeds,	Roe,
Branham,	Higgins,	Marshall,	Stone,
Budd,	Hostetter,	Moorman,	Tarkington,
Beyerle,	Hutchings,	Morgan,	Van Buskirk, and
Cason,	James,	Mustard,	Woodruff—38.
Cass,	Johnson,	Newman,	

Of the House of Representatives.

Total vote for James D. McDonald—60.

Whole number of votes cast, 146; necessary to a choice, 76; of which the Hon. John C. Walker received 85, the Hon. James D. McDonald received 60. Blank, 1.

The Hon. John C. Walker, having received a majority of all the votes cast, the President of the Senate declared him to be duly elected Agent of State, to serve as such during the term prescribed by law.

Nominations for President of the Board of Sinking Fund Commissioners being next in order,

Representative Holcomb nominated the Hon. Washington H. Talbott, of Marion county.

Senator March nominated Hon. Elijah B. Martindale, of Marion county.

No other nominations being made,

THOSE WHO VOTED FOR WASHINGTON H. TALBOTT WERE—

Messrs.	Dunning,	Hord,	Ray,
Bradley,	Finch,	Jenkins,	Shields,
Brown of Wells,	Fuller,	Johnson,	Shoulders,
Cobb,	Gaff,	Landers,	Williams,
Corbin,	Gifford,	McClurg,	Wilson, and
Davis of Cass,	Hartley,	Marshall,	Wolfe—26.
Douglass,	Hoagland,	Moore,	

## Of the Senate.

Messrs.	Hanna,	Lee,	Reitz,
Abbett,	Harden of W.,	Lemmon of H.,	Richardson,
Bird,	Hardin of Perry,	Lemmon of S.,	Rippey,
Blocher,	Harney,	Mason,	Roberts,
Brogan,	Hetfield,	McCaughey,	Ryan,
Brown,	Holcomb,	Miller,	Shaffer,
Burton,	Hon,	Milroy,	Shoaff of Allen,
Collins,	Howard,	Mutz,	Shoaff of Jay,
Cook,	Howell,	Niblack,	Spencer,
DeBruler,	Howk,	O'Brien of M.,	Veach,
Donaldson,	Humphreys,	Osborne,	Williams,
Ferris,	Kemp of Dubois,	Packard,	Waterman,
Garvin,	Kemp of Vigo,	Pendleton,	Wolfe,
Given,	Lake,	Priest,	Woollen, and
Gregg,	Lasselle,	Puett,	Mr. Speaker—60.
Hall,			

## Of the House of Representatives.

Total vote for Washington H. Talbott—86.

## THOSE WHO VOTED FOR ELIJAH B. MARTINDALE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Blair,	Dickinson,	Murray,	Wright—22.
Browne of R.,	Graves,	New,	

## Of the Senate.

Messrs.	Davis,	Jones,	Noyes,
Abdill,	Forrester,	Kendrick,	Perry,
Anderson,	Gregory,	Kilgore,	Pettibone,
Baker,	Griffith,	Lamb,	Robinson,
Branham,	Hershey,	Leeds,	Roe,
Budd,	Higgins,	Marshall,	Stone,
Beyerle,	Hostetter,	Moorman,	Tarkington,
Cason,	Hutchings,	Morgan,	VanBuskirk, and
Cass,	James,	Mustard,	Woodruff—38.
Chambers,	Johnson,	Newman,	

Of the House of Representatives.

Representative Atchison voted for Ebenezer Dumont.

Total vote for Elijah B. Martindale—60.

Whole number of votes cast, 147, necessary to a choice, 76, of which the Hon. Washington H. Talbott received 86 votes; Hon. Elijah B. Martindale received 60 votes, and the Hon. Ebenezer Dumont received one vote.

The Hon. Washington H. Talbott having received a majority of all the votes cast, he was declared duly elected President of the Board of Sinking Fund Commissioners, to serve as such during the term prescribed by law.

Nominations for State Librarian being next in order,

Representative Holcomb nominated the Rev. David Stephenson, of Marion county.

Representative Moorman nominated the Hon. R. D. Brown, of Marion county.

No other nominations being made, the result of the first ballot was as follows:

THOSE WHO VOTED FOR REV. DAVID STEPHENSON WERE—

Messrs.	Dunning,	Hoagland,	Moore,
Bradley,	Finch,	Hord,	Ray,
Brown of Wells,	Fuller,	Jenkins,	Shields,
Cobb,	Gaff,	Johnson,	Shoulders,
Corbin,	Gifford,	Landers,	Williams,
Davis of Cass,	Graves,	McClurg,	Wilson, and
Douglass,	Hartley,	Marshall,	Wolfe—27.

On the part of the Senate.

Messrs.	Harden of W.,	Lemmon of H.,	Richardson,
Abbett,	Hardin of Perry,	Lemmon of S.,	Rippee,
Bird,	Harney,	Mason,	Roberts,
Blocher,	Hetfield,	McCaughy,	Ryan,
Brogan,	Holcomb,	Miller,	Shaffer,
Burton,	Hon,	Milroy,	Shoaff of Allen,

Collins,	Howard,	Mutz,	Shoaff of Jay,
Cook,	Howell,	Niblack,	Spencer,
DeBruler,	Howk,	O'Brien,	Veach,
Donaldson,	Humphreys,	Osborn,	Waterman,
Ferris,	Kemp of Dubois,	Packard,	Williams,
Garvin,	Kemp of Vigo,	Pendleton,	Wolfe,
Given,	Lake,	Priest,	Woollen, and
Hall,	Lasselle,	Puett,	Mr. Speaker—59.
Hanna,	Lee,	Reitz,	

On the part of the House. Total 86.

THOSE WHO VOTED FOR R. D. BROWN WERE—

Messrs.	Campbell,	Mansfield,	Pleak,
Bearss,	Claypool,	March,	Reed,
Beeson,	Culver,	Melletts,	Teegarden,
Berry,	Davis of Parke,	Murray,	White, and
Blair,	Dickinson,	New,	Wright—21.
Browne of R.,	Grubb,		

On the part of the Senate.

Messrs.	Davis,	Johnson,	Newman,
Abdill,	Forrester,	Jones,	Noyes,
Anderson,	Gregg,	Kendrick,	Perry,
Atkison,	Gregory,	Kilgore,	Pettibone,
Baker,	Griffith,	Lamb,	Robinson,
Branham,	Hershey,	Leeds,	Roe,
Budd,	Higgins,	Marshall,	Stone,
Beyerle,	Hostetter,	Moorman,	Tarkington,
Cason,	Hutchings,	Morgan,	Van Buskirk and
Cass,	James,	Mustard,	Woodruff—40.
Chambers,			

On the part of the House. Total 61.

The whole number of votes cast 146, necessary to a choice, 76, of which Rev. David Stephenson received 86 votes, and R. D. Brown received 61 votes.

David Stephenson having received a majority of all the votes cast, was declared duly elected State Librarian for the term prescribed by law.

On motion by Senator Wolfe,

The officers of this Convention were directed to certify to the Governor the elections made this afternoon.

There being no other business before the Convention, the President pronounced it adjourned *sine die*.

The Senate having returned to its chamber, and being called to order by the President,

On motion by Senator Mellett,  
The Senate adjourned.

THURSDAY, 9 o'clock, A. M., }  
January 15, 1863. }

The Senate met.

The Journal was being read, when, on motion of Senator Browne of Randolph, the further reading of the Journal was dispensed with.

Mr. Cass asked and obtained leave to change his vote from the negative to the affirmative on Mr. Browne of Randolph's resolution of yesterday, proposing an amendment to the Journal of the day previous.

Mr. Wilson offered the following, which was adopted:

*Resolved*, That the doorkeeper be instructed to furnish each member of the Senate with a copy of the Documentary Journal containing the reports of the several officers of State to the Governor, for the years 1860 and 1861.

Mr. March offered the following, which was adopted:

*Resolved*, That the Secretary, Auditor, and Treasurer of State, and the President of the Board of Sinking Fund, each be directed to report to this Senate at their earliest *possible* convenience, the amount of fees, perquisites, and emoluments of every description,  
S. J.—6

received by them respectively in the discharge of any of their official duties, over and above their salaries as fixed by the act in relation to the salaries of public officers, approved March 5, 1859, stating distinctly from what source derived, and under what law, and what amount, if any, has been paid into the State Treasury. That the President of the Sinking Fund also state, so far as he can, the amount so received by his predecessors after the taking effect of said act, and what amount, if any, has been paid by either into the Sinking Fund. That the Secretary of the Senate immediately furnish each of said officers with a copy of this resolution.

Mr. McClurg offered the following, which was adopted :

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of enacting a law providing for the preparing and printing one copy to every one hundred inhabitants of the State, of a revised edition, in pamphlet form, of the law relating to the settlement of decedents' estates, to be sent to the respective county clerks for distribution among executors, administrators, and guardians.

Mr. Browne of Randolph offered the following resolution :

*Resolved*, That the Committee on Organization of Courts be and hereby are instructed to inquire into the expediency of reducing the Board of County Commissioners to one member, and to increase the compensation of such Commissioner to \$5 per day, and report to the Senate at an early day.

On motion by Mr. Williams,  
The words "five dollars" were stricken out.

The resolution as amended was then adopted.

Mr. Berry offered the following resolution, which was adopted :

*Resolved*, That the Committee on County and Township Business be instructed to inquire into the expediency of so amending the law regulating the fees of county recorders, as to require that all fees for recording be paid at the time of filing the instrument for record.



Mr. Hartley offered the following, which was rejected :

*Resolved*, That the Committee on County and Township Business inquire into the expediency of reporting a bill transferring the location, vacation or change of all public highways within the respective townships from the board of county commissioners to the township trustees.

Mr. Murray offered the following, which was adopted :

*Resolved*, That the Committee on Agriculture inquire into the expediency of so amending the law on that subject as to require the road to be worked out on the public highways in the spring of the year.

Mr. Moore offered the following, which was rejected :

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing the office of State Agent, with leave to report by bill or otherwise.

Mr. Graves offered the following, which was adopted :

*Resolved*, That the Committee on County and Township Business be instructed to inquire into the expediency of allowing and requiring Boards of County Commissioners to make a suitable allowance to County Recorders for keeping up the general index to deed records in their respective offices.

Mr. Dickinson introduced Senate bill No. 10. An act to amend section 9 of an act of amendment, approved March 9, 1861, of an act approved February 12, 1855, amending section 2 of an act concerning the organization of voluntary associations, and repealing former laws in reference thereto ;

Which was read a first time, and passed to a second reading.

Mr. Browne of Randolph introduced Senate bill No. 11. A bill repealing the sixth section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852 ;

Which was read a first time, and passed to a second reading.

Mr. Browne of Randolph asked and obtained leave of absence for himself and Mr. Brown of Wells, while attending to committee duties.

Mr. Johnson asked and obtained leave of absence for Mr. Finch, on account of sickness.

The following Senate bills coming up in the orders of the day, were read the second time, and severally referred as follows :

Senate bill No. 2, to the Judiciary Committee.

Senate bill No. 3, to the Judiciary Committee.

Senate bill No. 4 was referred to the Committee on the Organization of Courts.

Senate bill No. 5 being read,

Mr. Dickinson moved to refer it to the Judiciary Committee.

Mr. Moore moved to refer it to the Committee on County and Township organizations.

This motion was rejected.

The motion to refer to the Committee on the Judiciary was agreed to.

Senate bill No. 6 was referred to the Committee on Military Affairs.

Senate bill No. 7 was referred to the Committee on Education.

Senate bill No. 8 was referred to the Committee on the Judiciary.

Senate bill No. 9 being read,

Mr. March moved to refer it to the Committee on the Judiciary.

Mr. Brown of Wells moved to refer it to the Committee on the Organization of Courts;

Which motion was accepted by Mr. March.

The ayes and noes were demanded by Messrs. Mellett and Brown of Randolph, and being ordered and taken, resulted yeas 29, noes 16, as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Jenkins,	Murray,
Bearss,	Dunning,	Johnson,	Pleak,
Berry,	Gaff,	Landers,	Ray,
Bradley,	Gifford,	Mansfield,	Shields,
Brown of Wells,	Grubb,	March,	Teegarden,
Cobb,	Hartley,	Marshall,	Williams, and
Davis of Parke,	Hoagland,	Moore,	Wilson—29.
Davis of Cass,	Hord,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Culver,	McClurg,	Shoulders,
Beeson,	Dickinson,	Mellett,	White,
Blair,	Fuller,	New,	Wolfe, and
Browne of R.,	Graves,	Reed,	Wright—16.
Claypool,			

So Senate bill No. 9 was referred to the Committee on the Organization of Courts.

Mr. Mellett moved to instruct the committee as follows :

“That the committee are hereby instructed to place said bill carefully in a pigeon-hole, and not return it to the Senate.

Mr. March moved to amend the amendment by providing that the Senator from Henry be directed to watch the pigeon-hole.

On motion by Mr. Shields,

The amendments were laid on the table.

Senate joint resolution No. 1 was read a second time, and referred to the Committee on Education.

Senate joint resolution No. 2 was read a second time, and referred to the Committee on Elections.

Mr. Wolfe offered the following, which was adopted :

*Resolved*, That the Doorkeeper be directed to lay upon the desk of each member a copy of the acts of 1861.

On motion by Mr. Moore,

The Senate adjourned.

2 O'CLOCK, P. M.

Senate met.

Mr. Claypool offered the following, which was adopted:

*Resolved*, That the Doorkeeper of the Senate be instructed to procure a national flag, bearing on its folds the motto, "the Union must and shall be preserved," and place the same over the chair of the President of the Senate.

Mr. Murray submitted the following:

MR. PRESIDENT:

The Committee on Military Affairs, to whom was referred a concurrent resolution of the House in reference to reducing the compensation of officers of the army, and increasing the pay of non-commissioned officers and privates, instruct me to report the same back to the Senate with the recommendation that it is inexpedient for this Legislature to act upon the subject contemplated by said resolution.

Mr. Ray moved that the resolution be recommitted with instructions to strike out so much of the resolution as reduces the pay of officers 25 per cent., and report the resolution back to the Senate.

Mr. Wolfe moved to amend the amendment as follows:

"Amend the amendment by striking therefrom that part which instructs the committee to strike out so much of the resolution as reduces the pay of officers 25 per cent."

Mr. Landers moved to lay the amendment on the table.

Mr. Johnson demanded a division of the question.

Mr. Williams moved to lay all the motions upon the table.

The ayes and noes were demanded by Messrs. Wolfe and Williams, and being ordered and taken resulted, yeas 28, nays 17, as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Grubb,	Moore,
Bearss,	Dickinson,	Jenkins,	Pleak,
Beeson,	Douglass,	Johnson,	Reed,
Blair,	Dunning,	Landers,	Shields,
Browne of R.,	Fuller,	Mansfield,	Williams,
Campbell,	Gifford,	March,	Wilson, and
Cobb,	Graves,	Marshall,	Wolfe—28.
Davis of Parke,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Gaff,	Melletts,	Shoulders,
Berry,	Hartley,	Murray,	Teegarden,
Bradley,	Hoagland,	New,	White, and
Brown of Wells,	Hord,	Ray,	Wright—17.
Claypool,	McClurg,		

So the motion to lay on the table was agreed to.

The question recurring on concurring in the report of the committee,

The ayes and noes were demanded by Messrs. Wolfe and Cobb, and being ordered and taken, resulted—ayes 11, noes 35, as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Bradley,	Hartley,	Shields, and
Bearss,	Brown of Wells,	Mansfield,	Wright—11.
Beeson,	Davis of Parke,	Marshall,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Jenkins,	Ray,
Berry,	Dunning,	Johnson,	Reed,
Blair,	Fuller,	Landers,	Shoulders,
Browne of R.,	Gaff,	McClurg,	Teegarden,
Campbell,	Gifford,	March,	White,
Claypool,	Graves,	Mellet,	Williams,
Cobb,	Grubb,	Moore,	Wilson, and
Davis of Cass,	Hoagland,	New,	Wolfe—35.
Dickinson,	Hord,	Pleak,	

So the report was not concurred in.

Mr. Ray moved to strike out all of the resolution that reduces the pay of commissioned officers to not less than 25 per cent.

Mr. Wolfe moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Ray and Mellet, and being ordered and taken resulted, yeas 20, nays 25, as follows

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE

Messrs.	Davis of Cass,	Johnson,	Pleak,
Blair,	Douglass,	Landers,	Shields,
Browne of R.,	Fuller,	March,	Williams,
Brown of Wells,	Hoagland,	Marshall,	Wilson, and
Campbell,	Jenkins,	Moore,	Wolfe—20.
Cobb,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Dickinson,	Hord,	Ray,
Bearss,	Dunning,	McClurg,	Reed,
Beeson,	Gaff,	Mansfield,	Shoulders,
Berry,	Gifford,	Mellet,	Teegarden,
Bradley,	Graves,	Murray,	White, and
Claypool,	Grubb,	New,	Wright—25.
Davis of Parke,	Hartley,		

So the motion was rejected.



The question recurring upon Mr. Ray's motion,

Mr. Brown of Wells moved to amend the amendment by inserting in its proper place the words "20 per cent," as applied to officers.

On motion of Mr. Murray,

This amendment to the amendment was laid upon the table.

Mr. Blair moved to strike out the words, "at least 25 per cent.," and insert "not exceeding 25 per cent."

Mr. Ray moved to lay this amendment upon the table.

The ayes and noes were demanded by Messrs. Cobb and March, and being ordered and taken, resulted, ayes 32, noes 13, as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Jenkins,	Ray,
Berry,	Gaff,	Johnson,	Reed,
Bradley,	Gifford,	Landers,	Shields,
Claypool,	Graves,	McClurg,	Shoulders,
Cobb,	Grubb,	Mellet,	White,
Davis of Parke,	Hartley,	Murray,	Wilson,
Davis of Cass,	Hoagland,	New,	Wolfe, and
Dickinson,	Hord,	Pleak,	Wright—31.
Douglass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Mansfield,	Moore,
Bearss,	Brown of Wells,	March,	Teegarden, and
Beeson,	Campbell,	Marshall,	Williams—13.
Blair,	Fuller,		

So the motion was rejected.

The question recurring upon the adoption of Mr. Ray's motion,

The ayes and noes were demanded by Messrs. Moore and Landers, and being ordered and taken, resulted—ayes 22, nays 23, as follows:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke, Hord,	Ray,
Bearss,	Dickinson, McClurg,	Reed,
Beeson,	Gaff, Mansfield,	Shoulders,
Berry,	Gifford, Mellett,	White, and
Bradley,	Graves, Murray,	Wright—22.
Caypool,	Hartley, New,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass, Jenkins,	Pleak,
Blair,	Douglass, Johnson,	Shields,
Browne of R.,	Dunning, Landers,	Teegarden,
Brown of Wells,	Fuller, March,	Williams,
Campbell,	Grubb, Marshall,	Wilson, and
Cobb,	Hoagland, Moore,	Wolfe—23.

So Mr. Ray's motion was rejected.

Mr. Browne of Randolph moved to amend.

Amend by striking out all that relates to the pay of officers, and by instructing our Representatives in Congress to inquire into the expediency of reducing the pay of commissioned officers, so as to more nearly equalize the pay of officers and soldiers.

Mr. Cobb moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Cobb and Moore.

Pending which,

Mr. Beeson asked and obtained leave of absence for Mr. Grubb.

The President laid before the Senate the following:

INDIANAPOLIS, IND., January 15, 1863.

I herewith agree to furnish H. H. Montgomery, Doorkeeper of the Indiana State Senate, for the sum of sixty-five dollars, to be paid me by him, one regulation silk United States flag, with pike, spear, head, cord and tassels, with inscription of "Our Union must and shall be preserved," done in gold leaf letters, at as early a time as possible.

J. H. BALDWIN.

Mr. Mellett moved to adjourn.

The ayes and noes were demanded by Messrs. Moore, Cobb, Browne of Randolph, Mellett and Wolfe, and being ordered and taken, resulted, ayes 26, noes 19, as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Johnson,	Ray,
Bearss,	Dunning,	McClurg,	Reed,
Beeson,	Fuller,	Mansfield,	Shoulders,
Berry,	Gaff,	Marshall,	Teegarden,
Blair,	Graves,	Mellett,	White, and
Brown of Wells,	Hartley,	Murray,	Wright—26.
Claypool,	Hoagland,	New,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Hord,	Pleak,
Bradley,	Dickinson,	Jenkins,	Shields,
Browne of R.,	Douglass,	Landers,	Williams,
Campbell,	Gifford,	March,	Wilson, and
Cobb,	Grubb,	Moore,	Woolfe—19.

So the Senate adjourned.

FRIDAY, 9 o'clock, A. M., }  
January 16, 1863. }

Senate met.

On motion by Mr. Mellett,  
The reading of the Journal was dispensed with.

The President laid before the Senate the following :

OFFICE OF THE BANK OF THE STATE OF INDIANA, }  
*Indianapolis, January 13, 1863.* }

THE HON. PARIS C. DUNNING,

*President of the Senate :*

SIR:—In compliance with the requirements of the Charter, I transmit you, herewith, a statement of the condition of the Bank of the State of Indiana on the 3rd Saturday of November, 1862.

I am, very respectfully,

Yours, &c.,

HUGH McCULLOCH,

*President*

On motion by Mr. Williams,

The report was referred to the Committee on Banks.

Mr. Dickinson asked and obtained leave of absence for himself until Thursday next.

On motion by Mr Williams,

The following message from the House was taken up.

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the accompanying Engrossed bill, entitled " An act fixing the time for holding the next terms of the several Circuit Courts in the Third Judicial Circuit, and repealing all laws in conflict therewith," and respectfully ask its consideration by the Senate.

The House bill described in the message was read the first time.

Mr. Williams moved to suspend the rule, and read the bill the second time, by title, now.

The ayes and noes being taken under a constitutional provision,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Johnson,	Pleak,
Beeson,	Dunning,	Landers,	Ray,
Berry,	Fuller,	McClurg,	Shields,
Blair,	Gaff,	Mansfield,	Shoulders,

Bradley,	Gifford,	March,	Teegarden,
Browne of R.,	Graves,	Marshall,	White,
Brown of Wells,	Hartley,	Melletts,	Williams,
Cobb,	Hoagland,	Moore,	Wilson,
Davis of Parke,	Hord,	Murray,	Wolfe, and
Davis of Cass,	Jenkins,	New,	Wright—40.
Dickinson,			

Noes—None.

So House bill No. 26 was read a second time by title.

Mr. Williams moved that the rules be further suspended and the bill be read a third time now.

The ayes and noes being taken :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Jenkins,	Pleak,
Bearss,	Douglass,	Johnson,	Ray,
Beeson,	Dunning,	Landers,	Shields,
Berry,	Fuller,	McClurg,	Shoulders,
Blair,	Gaff,	Mansfield,	Teegarden,
Bradley,	Gifford,	March,	White,
Browne of R.,	Graves,	Marshall,	Williams,
Brown of Wells,	Hartley,	Melletts,	Wilson,
Cobb,	Hoagland,	Moore,	Wolfe, and
Davis of Parke,	Hord,	Murray,	Wright—40.
Davis of Cass,			

Noes—None.

So the House bill No. 26 was read a third time, and

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hord,	New,
Bearss,	Davis of Cass,	Jenkins,	Pleak,
Beeson,	Dickinson,	Johnson,	Ray,
Berry,	Douglass,	Landers,	Shields,
Blair,	Dunning,	McClurg,	Shoulders,

Bradley,	Fuller,	Mansfield,	Teegarden,
Browne of R.,	Gaff,	March,	White,
Brown of Wells,	Gifford,	Marshall,	Williams,
Claypool,	Graves,	Mellett,	Wilson,
Cobb,	Hartley,	Moore,	Wolfe, and
Culver,	Hoagland,	Murray,	Wright—43.

Noes—None.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Reed asked and obtained leave of absence for himself until next Tuesday.

Mr. Wolfe offered the following, which was adopted :

*Resolved*, That the Committee on Elections be requested to return to the Senate, all matters referred to them in regard to the contested seats of Senators, and the rights of Senators to the seats; and that when said matters are so returned, the contestants and contestees, and the members whose rights to seats are called in question by the resolution introduced by Mr. Claypool have the right to be heard before the Senate, and, when so agreed, the same matters be returned to said committee for its further action.

On motion by Mr. Browne of Randolph,

The vote of yesterday, ordering a flag to be placed above the President's chair, was reconsidered.

Mr. Shields, from the Committee on Elections, submitted the following report :

MR. PRESIDENT :

In accordance with the resolution of the Senate, just adopted by the Senate, I herewith return all papers referred to the Committee on Elections on the subject of contested seats.

On motion by Mr. Johnson,

The Senate proceeded to the consideration of contested Election cases.

On motion by Mr. Wolfe,



The case of Mr. Dill, contesting the seat of Mr. Dickinson, the sitting Senator from Noble, Steuben and DeKalb, was first taken up.

Mr. Dill's petition being read,  
On motion by Mr. Dunning,  
(Mr. Shields in the chair,)

The doorkeeper was directed to provide seats for the contestants and their attorneys.

On motion by Mr. Mellett,  
Mr. McDonald, as attorney for Mr. Dill, proceeded with the argument for the contestant.

Mr. Mansfield asked and obtained leave of absence for Mr. Beeson.

Mr. White asked and obtained leave of absence for himself until Monday.

On motion by Mr. Ray,  
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

Mr. Shields asked and obtained leave of absence for Mr. Wilson until next Thursday.

Mr. Shields offered the following, which was adopted :

*Resolved*, That the doorkeeper of the Senate be directed to procure, from time to time, sufficient quantities of ice to use in the drinking water for the use of the Senate.

The Senate proceeded to the consideration of the contested election case, pending at the time of the recess for dinner,  
Pending which,

On motion by Mr. Williams,  
The following message from the House was taken up :

MR. PRESIDENT :

I am directed to inform the Senate the House has passed Senate bill No. 1, entitled as follows, to-wit :

"A bill appropriating twenty-five thousand dollars for the expenses of the present session of the General Assembly, and providing the manner of payment of the members and officers of the Senate and House of Representatives," with the accompanying engrossed amendments to the bill, and to the title thereof, in which the concurrence of the Senate is respectfully solicited.

The House amendments were concurred in by the Senate.

Mr. Hord asked and obtained leave of absence for Mr. Mellett until Monday.

Mr. Browne of Randolph offered the following :

*Resolved*, That when the Senate adjourn it adjourn till Monday next at 2 o'clock, P. M:

The ayes and noes were demanded by Messrs, Moore and Cobb, and being ordered and taken, resulted, ayes 18, noes 21, as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Hartley,	Murray,
Bearss,	Cobb,	Johnson,	New,
Blair,	Davis of Cass,	McClurg,	Shields, and
Bradley,	Dunning,	Mansfield,	Wilson—18.
Browne of R.,	Gaff,	Mellett,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Gifford,	March,	Shoulders,
Berry,	Graves,	Marshall,	Teegarden,
Brown of Wells,	Hoagland,	Moore,	Williams,
Davis of Parke,	Hord,	Pleak,	Wolfe, and
Douglass,	Jenkins,	Ray,	Wright—21.
Fuller,	Landers,		

So the resolution was rejected.

Mr. Cobb asked and obtained leave of absence for Mr. Davis of Cass, and himself, until 2 o'clock, P. M.

Mr. Brown of Wells asked and obtained leave of absence for Mr. Johnson.

On motion, by Mr. Graves,

The vote just taken on Mr. Brown's resolution, to adjourn until Monday, was reconsidered.

The question recurring on the passage of the resolution,

The ayes and noes were demanded by Messrs. Moore and Teegarden, and being ordered and taken, resulted, ayes 28, noes 11, as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke, Hord,	Mellett,
Bearss,	Davis of Cass, Johnson,	Murray,
Blair,	Dunning, Landers,	New,
Bradley,	Fuller, McClurg,	Shields,
Browne of R.,	Gaff, Mansfield,	Williams,
Campbell,	Hartley, March,	Wilson, and
Cobb,	Hoagland, Marshall,	Wright—28.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Moore,	Shoulders,
Berry,	Gifford,	Pleak,	Teegarden, and
Brown of Wells,	Jenkins,	Ray,	Wolfe—11.

So the resolution was adopted.

Then, on motion of Mr. Mellett,

The Senate adjourned.

MONDAY, 2 o'clock, P. M., }  
January 19, 1863. }

The Senate met.

The Journal of Friday was read and approved.

The President also laid before the Senate the following :

*Hon. Paris C. Dunning, President of the Senate :*

In pursuance of a resolution of the Senate directing the Secretary, Auditor, and Treasurer, and the President of the Board of Commissioners of the Sinking Fund to report to the Senate the amount of fees, perquisites and emoluments of every description, received by them respectively, in the discharge of their official duties, over and above their salaries as fixed by the act in relation to the salaries of public officers, approved March 5, 1859, the undersigned reports that since he has held the office of Treasurer of State he has received, on account of premium on exchange on New York, \$960 11, and on account of salary allowed the Treasurer of State, by an act entitled "an act to amend an act to authorize and regulate the business of banking," passed March 3, 1855, \$1,308 84. The undersigned has paid into the State Treasury the premium received, viz: \$960 11. The other sum, \$1,308 84, is retained under a decision of the Supreme Court, lately rendered in the case of John W. Dodd and others against the State of Indiana. The above is all that has been received over and above the salary fixed by the act referred to in the resolution.

Respectfully,

J. S. HARVEY,  
*Treasurer of State.*

The President also laid before the Senate the following :

OFFICE OF THE COMMISSIONERS OF THE SINKING FUND,  
Indianapolis, January 16, 1863.

HON. PARIS C. DUNNING,  
*President of the Senate:*

In response to a resolution of the Senate, directed to me, and requiring a statement of "the amount of fees, perquisites, and emoluments," received by my predecessor in office, as well as myself, over and above our respective salaries, as fixed by the act of March 5, 1859, and what amount of such fees, perquisites and emoluments have been paid into the Sinking Fund, I have the honor to state that there are no fees or perquisites attached to the office of President of the Board of the Sinking Fund, beyond the salary fixed by law. The Board of Commissioners has ordered a small fee to be charged to parties who procure substitutions of mortgages to compensate the fund for blanks, and the additional clerical labor occasioned by such substitutions. The total amount received from this source since the act referred to in the resolution of the Senate took effect, is thirty-two dollars, all of which has been paid into, and forms a part of, the Sinking Fund.

There has also been received, since March 15, 1859, of interest on temporary deposits in bank, and for premiums received on gold and Demand Treasury Notes, up to this date, the further sum of eleven thousand five hundred and ninety-two dollars and seventy-seven cents, which has also been paid into, and now forms a part of, the Sinking Fund.

These sums embrace all moneys paid to either myself or my predecessor within the time specified, other than the ordinary income of the Sinking Fund.

Respectfully yours,

HORATIO C. NEWCOMB,

*President.*

On motion by Mr. March,  
These communications were laid on the table.

Mr. Williams offered the following, which was adopted:

*Resolved*, That the Governor be requested to furnish a detailed statement of the expenditure of the one hundred thousand dollars appropriation made at the late extra session of the General Assem-

bly, for the Governor's Military Contingent Fund, which was approved May 6, 1861.

Mr. Cobb offered the following resolution, which was adopted :

WHEREAS, The temperature of the atmosphere in the Senate Chamber is very irregular; and it being impossible to regulate the same without some means of testing that temperature; therefore,

*Resolved*, That the Doorkeeper of the Senate be requested to purchase, for the use of the Senate, four of Brown's thermometers, and that at the close of the present session he place the same in the care of the State Librarian for the use of the Senate.

Mr. McClurg offered the following, which was adopted:

*Resolved*, That the Committee on the Organization of Courts be requested to inquire into the expediency of so amending the law of "Courts and the practice therein," requiring the judge of the Circuit Court and Court of Common Pleas of this State, to deliver their charge to the jury after the evidence is concluded, and before the argument of counsel is commenced.

Mr. Landers offered the following, which was adopted:

*Resolved*, That the Judiciary Committee be instructed to inquire into the constitutionality of a law fixing an equivalent for exemption from military duty under the late draft, and if decided to be constitutional they be required to report a bill on that subject.

Mr. Browne of Randolph introduced

Senate bill No. 12. A bill requiring railroad companies in the State of Indiana to keep on hand and furnish, on reasonable notice being given by persons offering to ship live stock or other freights over their railroads, or to or from any place of shipment thereon, a sufficient number of locomotives, freight cars, and other rolling stock, to transport such freights without delay, and making companies failing to furnish transportation liable for damages resulting from such failure;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Browne of Randolph introduced



Senate bill No. 13. A bill requiring all corporations, formed or which may hereafter be formed for the purpose of constructing, owning, controlling, or operating a railroad in this State, to elect three-fourths of the members of their boards of directors from stockholders resident in the State, and affixing certain penalties for non-compliance with the provisions of this act;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Landers introduced

Senate bill No. 14. An act to enforce the 13th Article of the Constitution;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Ray introduced

Senate bill No. 15. An act authorizing railroad companies to make extensions or branches in certain cases;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. March introduced

Senate bill No. 16. "A bill prescribing the forms of conveyances of real estate that may be used by executors, administrators, guardians, trustees, and commissioners, in certain cases, fixing a fee therefor, and also to repeal the 547th section of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity,'" approved June 18, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Williams,

The following message from the House was taken up:

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the accompanying engrossed bill, entitled as follows, to-wit:

House bill No. 26. "A bill fixing the time for holding the next terms of the several Circuit Courts in the Third Judicial Circuit, and repealing all laws in conflict therewith," and respectfully ask the concurrence of the Senate therein.

House bill No. 26 was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Wolfe,  
The Senate adjourned.

TUESDAY, 9 o'clock, A. M., }  
January 20, 1863. }

The Senate met.

The Journal of the preceding day was read and approved.

The President laid before the Senate the following communication, which,

On motion by Mr. Bradley,  
Was referred to the Committee on Education.

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, January 19, 1863. }

TO HON. PARIS C. DUNNING,  
*President of the Senate :*

SIR:—In reply to the resolution of the Senate, inquiring whether the taxes levied by the State upon the property of corporations, for common school purposes, have been set aside and distributed as principal or interest of the Common School Fund, I have to state that since the expiration of the charter of the State Bank of Indiana, there has been no specific tax levied upon the property of corporations for common school purposes.

The Legislature of the State heretofore appears to have ignored the constitutional provision that "taxes on the property of corpo-

rations, that may be assessed by the General Assembly for common school purposes," shall comprise a part of the Common School Fund, at least I know of no law directing the manner in which the provision alluded to shall be carried out. The neglect has arisen probably from the apprehension that the clause related only to taxes specifically levied, or that its execution was impracticable if applied to taxes assessed under the general levy.

Very respectfully,

Your obedient servant,

ALBERT LANGE,

*Auditor of State.*

The President laid before the Senate a communication from the Auditor of State, in response to resolutions of the Senate, concerning salaries and fees, which,

On motion by Mr. Wolfe,  
Was laid on the table.

Mr. Marshall presented a petition from sundry citizens of Grant county, praying the General Assembly to make such a change in the laws as will effectually prevent the further immigration of negroes and mulattoes into the State of Indiana.

On motion by Mr. Johnson,  
It was referred to the Committee on Rights and Privileges.

Mr. Brown of Wells submitted the following :

MR. PRESIDENT :

The Committee on Enrolled Bills would report to the Senate that they have compared the enrolled with the engrossed copy of Senate bill No. 1, entitled "a bill appropriating seventy-five thousand dollars for the expenses of the present session of the General Assembly, and providing the manner of payment of the members and officers of the Senate and House of Representatives," and find the same correctly enrolled.

Mr. Williams offered the following, which was adopted :

*Resolved*, That the Treasurer of State be requested to report to

the Senate the amount of money paid out by him for war purposes, between the 17th day of April, and the 30th day of May, 1861, and from what fund paid.

Mr. Murray offered the following:

*Resolved, by the Senate, (the House concurring,) That His Excellency Governor Oliver P. Morton, is deserving the gratitude of the people of this State, and as their representatives, we hereby tender him the thanks of this General Assembly for that tender solicitude and care he has on all suitable occasions manifested in alleviating the sufferings of the sick and wounded soldiers of the State.*

*Resolved, That a certified copy of the foregoing resolution, on the passage thereof, be presented to His Excellency, Governor Oliver P. Morton, by the Secretary of the Senate.*

Mr. Wolfe moved to refer the resolution to the Committee on Military Affairs.

Mr. Murray moved to lay the motion to refer upon the table.

The ayes and noes were demanded by Messrs. Murray and Bearss, and being taken resulted, ayes 26, nays 14, as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Fuller,	Mellett,
Bearss,	Claypool,	Gaff,	Murray,
Beeson,	Culver,	Gifford,	New,
Berry,	Davis of Parke,	Graves,	Pleak,
Blair,	Dunning,	McClurg,	Teegarden, and
Bradley,	Ferguson,	March,	Wright—26.
Browne of R.,	Finch,	Marshall,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Johnson,	Shields,
Brown of Wells,	Hartley,	Landers,	Williams, and
Cobb,	Hord,	Moore,	Wolfe—14.
Davis of Cass,	Jenkins,	Ray,	

So the motion to refer was laid upon the table.

Mr. New made an ineffectual motion to adjourn.

Mr. Hord offered the following amendment :

Amend by inserting after the word Governor, "all Surgeons and nurses."

Mr. Murray moved to lay the amendment upon the table.

The ayes and noes were demanded by Messrs. Murray and Williams, which being taken, resulted, ayes 29, nays 11, as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Graves,	New,
Bearss,	Davis of Parke,	Hartley,	Pleak,
Beeson,	Dunning,	McClurg,	Ray,
Berry,	Ferguson,	March,	Shields,
Blair,	Finch,	Marshall,	Teegarden,
Browne of R.,	Fuller,	Melletts,	Wolfe, and
Campbell,	Gaff,	Murray,	Wright—29.
Claypool,	Gifford,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Cobb,	Hord,	Landers,
Bradley,	Davis of Cass,	Jenkins,	Moore, and
Brown of Wells,	Downey,	Johnson,	Williams—11.

So the motion lies upon the table.

The question recurring upon the adoption of the resolution,

The ayes and noes were demanded by Messrs Dunning and Murray, and being taken, resulted, ayes 40, nays none, as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Graves,	Moore,
Bearss,	Davis of Parke,	Hartley,	Murray,
Beeson,	Davis of Cass,	Hord,	New,
Berry,	Downey,	Jenkins,	Peak,
Blair,	Dunning,	Johnson,	Ray,
Bradley,	Ferguson,	Landers,	Shields,

Browne of R.,	Finch,	McClurg,	Teegarden,
Brown of Wells,	Fuller,	March,	Williams,
Campbell,	Gaff,	Marshall,	Wolfe, and
Claypool,	Gifford,	Mellett,	Wright—40.
Cobb,			

Noes none.

So the resolution was adopted.

On motion by Mr. Williams,

House bill No. 6 was taken up and read a second time.

Mr. Williams moved to suspend the rules so that the bill may be read a third time now.

The ayes and noes being taken,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Cobb,	Gifford,	Mellett,
Bearss,	Culver,	Graves,	Moore,
Beeson,	Davis of Parke,	Hartley,	Murray,
Berry,	Davis of Cass,	Hord,	New,
Blair,	Downey,	Jenkins,	Pleak,
Bradley,	Dunning,	Johnson,	Shields,
Browne of R.,	Ferguson,	Landers,	Teegarden,
Brown of Wells,	Finch,	McClurg,	Williams,
Campbell,	Fuller,	March,	Wolfe, and
Claypool,	Gaff,	Marshall,	Wright—38.

So House bill No. 26 was read the third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Cobb,	Gifford,	Mellett,
Bearss,	Culver,	Graves,	Moore,
Beeson,	Davis of Parke,	Hartley,	Murray,
Berry,	Davis of Cass,	Hord,	New,
Blair,	Downey,	Jenkins,	Pleak,
Bradley,	Dunning,	Johnson,	Shields,



Browne of R.,	Ferguson,	Landers,	Teegarden,
Brown of Wells,	Finch,	McClurg,	Williams,
Campbell,	Fuller,	March,	Wolfe, and
Claypool,	Gaff,	Marshall,	Wright—39.

Noes none.

So the bill passed.

Mr. Shields asked and obtained leave of absence for Mr. Gaff this afternoon,

Mr. Hartley asked and obtained leave of absence for Mr. Shoulders, on account of sickness.

On motion by Mr. Bearss,

The Senate adjourned.

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2 o'clock, P. M.

The Senate met.

Mr. Downey, offered the following, which was adopted:

*Resolved*, That the Military Committee be instructed to inquire into the reason why the seventy thousand dollars for 1861, and the same amount for 1862, appropriated by the General Assembly for the benefit of the Indiana Legion, has not been distributed, and what further legislation, if any, is necessary to effect such distribution, and report by bill or otherwise.

Mr. Douglass offered the following :

*Resolved by the Senate, (the House of Representatives concurring)*, That the Principal Secretary of the Senate, and the Principal Clerk of the House of Representatives, be authorized to contract with Ariel & W. H. Drapier, reporters, for 1,500 copies of the continuation of their Brevier Legislative Reports, to contain verbatim reports of the proceedings and debates of the present session of the

General Assembly, on all propositions and questions having relation to the state of the Union and the war; the said reports to be printed in the *Daily State Sentinel* or the *Daily Indianapolis Journal* newspaper, and when so printed, the said reports to be transferred from the columns of such newspaper into book form of double column pages—said reports so printed, to be paper covered and sent to the office of the Secretary of State, and by him sent by express to the several members of the General Assembly—10 copies to each member—as soon as possible after the adjournment of the session; *Provided*, Said reports shall not cost more than two-thirds of one cent a page per copy for the writing and printing thereof.

On motion by Mr. Cobb,

The resolution was referred to a select committee of three,  
Which the President of the Senate makes to consist of Messrs. Douglass, Cobb, and Beeson.

Mr. March offered the following, which was adopted:

*Resolved by the Senate, (the House concurring,)* That the thanks of this General Assembly are hereby tendered to Major General Rosecrans, and the officers and soldiers under his command, for the well-earned victory of Murfreesboro, Tennessee; that they, one and all, merit the lasting gratitude of the nation, and the admiration of the world.

*Resolved*, That the patriotic earnestness, skill, sleepless vigilance and pertinacity displayed by the Commanding General in his advance upon the enemy, his plan of battle, and especially in promptly meeting the exigencies of its varying fortunes, prove that he was the right man in the right place; that the hearty and prompt co-operation, the gallantry and skill of his division and other commanders, the ready obedience, unyielding and hardy courage of the soldiers, are worthy of the highest commendation.

*Resolved*, That the Army of the Cumberland, Murfreesboro, and the name of each fallen and surviving patriot-soldier who took part in the perilous struggle, are forever linked together in historic renown, and Indiana will preserve and greatly cherish their memory to the latest generations as among the brightest jewels of an undivided republic.

*Resolved*, That the Secretary of the Senate be directed to forward a copy of these resolutions to Major General Rosecrans, with the request that they be read at the head of each regiment taking part in the great battle, if consistent with the rules of military propriety and discipline.

Mr. Berry offered the following, which was adopted.

WHEREAS, The State Convention of examiners, held in this city in November last, adopted the following resolution, to wit:

*Resolved*, That section twenty-five of the School Law seems to this convention to require revision, and it is hereby respectfully referred to the Legislature to be so revised, that the difficulties in its present workings be remedied; therefore,

*Resolved*, That said section be referred to the Committee on Education, with instruction to carefully consider the same, and report by bill or otherwise.

Mr. Ray offered the following, which was adopted:

*Resolved*, That the Secretary of State be requested to inform the Senate whether the fourteenth volume Indiana Reports has been duly distributed to the clerk's of counties in this State in pursuance of law; and, if not, that he furnish the Senate with the reasons why the same has not been done.

Mr. Williams offered the following, which was adopted:

*Resolved*, That the Committee on Finance be authorized to employ a clerk.

Mr. Downey introduced

Senate bill No. 17. A bill to amend the third section of a act entitled "An act to amend sections one and two of an act to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in the State," approved March 1, 1853, and to provide the manner of the service of process, approved March 4, 1859;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Cobb introduced

Senate bill No. 18. A bill to amend section twenty-three of an act entitled "An act to provide for the opening, vacating and change of highways," approved June 17, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Fuller introduced

Senate bill No. 19. "An act to provide that the value of United States Government stamp duties required and used on original process, certificates, bonds, appraisements, deeds of conveyance by Sheriffs, shall, in all actions, be taxed and collected as other costs in said action;"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hord introduced

Senate bill No. 20. "An act to amend section thirty-three of an act entitled 'An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and providing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State,'" approved June 21, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Gifford introduced

Senate bill No. 21. An act regulating the fees of officers, and repealing former acts in relation thereto;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Teegarden introduced

Senate bill No. 22. A bill to amend the fifty-fourth section of chapter seven, entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hord introduced

Senate bill No. 23. An act to amend section thirteen of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852, as amended by an act approved March 9, 1861;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. March introduced

Senate bill No. 24. A bill to provide for the execution of conveyances by county auditors for school lands, where the certificate has not been properly assigned or assignment acknowledged in certain cases;

Which was read a first time, and passed to a second reading on to-morrow.

Senate bill No. 10 was read a second time, and ordered to be engrossed for a third reading.

Senate bill No. 11 was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 12 was read a second time, and referred to the Committee on Corporations.

Senate bill No. 13 was read a second time, and referred to the Judiciary Committee.

Senate bill No. 14 was read a second time, and referred to the Judiciary Committee.

Senate bill No. 15 was read a second time, and referred to the Committee on Corporations.

Senate bill No. 16 was read a second time, and referred to the Judiciary Committee.

On motion by Mr. Murray,

The following messages from the House were taken up:

MR. PRESIDENT:

I am directed to inform the Senate that the House has adopted the following concurrent resolution:

WHEREAS, The supply of copies of the statutes of the State for the use of the State has become exhausted; therefore,

*Resolved*, That (the Senate concurring) a committee of five be appointed on the part of this House, and a like committee on the part of the Senate, to inquire into the expediency of revising and printing the statutes of this State, or in some other way obtain a supply of statutes for the use of the State, and to report by bill or otherwise.

And the Speaker of the House has named Messrs. Higgins, Garvin, Perry, Hawk and Woollen as such committee on the part of the House.

And the concurrence of the Senate therein is respectfully invited.

On motion of Mr. Cobb,  
The resolution was concurred in.

A message from the House:

MR. PRESIDENT:

I am directed to inform the Senate that the House has adopted the following concurrent resolution, to-wit:

#### CONCURRENT RESOLUTIONS.

*Resolved*, (by the House, the Senate concurring,) That the thanks of the General Assembly of the State of Indiana are due and are hereby tendered to the Hon. Horatio Seymour, Governor of New York, for the able and patriotic defense of the Constitution, the laws, and liberties of the American citizen, contained in his late message to the Legislature of that State, and particularly for his just and high appreciation of the interests, position, and patriotism of the great North-west; and that we assure him that the conservative people of our own beloved State are looking with deep solicitude and confidence to his executive action, believing that they will find in it a firm and determined resistance to the encroachments of a despotic administration upon the liberties of the American people, as well as a bold defense of the independent sovereignty of the several States of this Union, and that such action will receive the warm sympathies and hearty co-operation of all the conservative citizens of this State.



*Resolved*, That the Speaker of the House be directed to forward copies of these concurrent resolutions to his Excellency, Governor Seymour, and the Legislature of that State.

And respectfully ask the concurrence of the Senate.

On motion by Mr. Wolfe,

The resolution was referred to the Committee on Federal Relations.

A message from the House :

MR. PRESIDENT:

The House has adopted the following concurrent resolution, to-wit:

*Resolved*, (by the House of Representatives, the Senate concurring), That the two Houses meet in joint convention in this Hall, at 2 o'clock P. M. on Wednesday next, and proceed to the election of three Directors for the State Prison South, and three for the State Prison North, also a State Printer, in the order named.

And respectfully invite the concurrence of the Senate.

Mr. Brown of Wells moved to concur in the resolution of the House.

Mr. March moved to concur with an amendment by striking out that part that refers to State Printer.

The motion was rejected.

The House resolution was then concurred in.

On motion of Mr. Brown of Wells,  
The Senate adjourned.

WEDNESDAY, 9 o'CLOCK, A. M., }  
January 21, 1863. }

The Senate met.

The Journal of yesterday was read and approved.

The President announced the following named persons to act on Joint Committee on Revision:

Messrs. Cobb, Downey, Johnson, Mellett and Claypool.

The President laid before the Senate the following:

OFFICE OF TREASURER OF STATE, }  
*Indianapolis*, January 20, 1863. }

In compliance with a resolution of the Senate, passed this day, requesting me to report to the Senate the amount of money paid out by me for war purposes, between the 17th day of April and the 30th day of May, 1861, and from what funds paid, I have the honor to report that there was paid out for war purposes, between the days specified:

Out of the Military Contingent Fund.....	\$47,170 83
Out of the Military Fund.....	49,819 96
Out of the State Arms Fund.....	12,232 59
	<hr/>
	\$109,223 38

I have no means of knowing the precise amount devoted to war purposes out of the above sum of \$47,170 83, as the accounts of Contingent Fund proper, and the Military Contingent Fund were blended together.

It is perhaps proper to state, that the Governor afterward paid back into the Treasury, of the money drawn out by himself, \$4,125 80, and also, that I was informed by the Auditor of State, shortly after the expiration of the extra session of the Legislature, that he had classified the accounts paid out of the Contingent

Military Fund, and charged them to the several proper funds or appropriations, thereby relieving the Military Contingent Fund of much the larger portion of the claims.

Respectfully submitted,

J. S. HARVEY,  
*Treasurer of State.*

Which, on motion of Mr. Williams,  
Was referred to the Committee on Finance.

Mr. Williams submitted the following:

MR. PRESIDENT:

The Committee on Finance, to whom sundry claims have been presented, ask leave to return them to the Senate, and recommend that all claims be referred to the Committee on Claims, for their action, before being sent to the Committee on Finance.

This report was concurred in by the Senate.

Mr. Brown of Wells submitted the following:

MR. PRESIDENT:

The Senate Committee on Enrolled Bills would report to the Senate that they, on the 17th inst., presented to the Governor for his approbation and signature, Senate bill No. 1, entitled "a bill appropriating seventy-five thousand dollars for the expenses of the present session of the General Assembly, and providing the manner of payment of the members and officers of the Senate and House of Representatives."

Mr. Douglass submitted the following:

MR. PRESIDENT:

The Committee on Education, to whom was referred joint resolution No. 1, proposing amendment to article eight, and twenty-third section of article four of the Constitution, enabling cities, townships, and towns, to levy taxes for the support of common schools, and so as to provide for laws necessary to secure that

object, have had the same under consideration, and direct me to report said resolution back to the Senate, and recommend its passage.

The report was concurred in by the Senate.

On motion by Mr. Dunning,

(Mr. Wolfe in the Chair,)

The order of business being suspended, the joint resolution was read a third time.

The question being, shall the joint resolution pass?

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Hord,	Pleak,
Beeson,	Downey,	Jenkins,	Ray,
Berry,	Dunning,	McClurg,	Reed,
Bradley,	Ferguson,	Mansfield,	Shields,
Browne of R.,	Gaff,	March,	Teegarden,
Brown of Wells,	Gifford,	Marshall,	White,
Campbell,	Grubb,	Melletts,	Wilson,
Cobb,	Hartley,	Murray,	Wolfe, and
Culver,	Hoagland,	New,	Wright—36.
Davis of Parke,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Fuller,	Landers, and
Bearss,	Finch,	Johnson,	Moore—7.

So the joint resolution passed.

Mr. Brown asked and obtained leave of absence for Mr. Blair.

Mr. Landers made the following report:

MR. PRESIDENT:

The Military Committee, to whom was referred Senate bill No. 6, a bill ceding to the United States of America jurisdiction over

certain lands, and their appurtenances, in the county of Marion, and exempting the same from taxation, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

This report was concurred in.

On motion by Mr. New,

The rules were suspended, the bill was considered engrossed and read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hoagland,	New,
Bearss,	Douglass,	Hord,	Pleak,
Beeson,	Downey,	Jenkins,	Ray,
Berry,	Dunning,	Johnson,	Reed,
Bradley,	Ferguson,	Landers,	Shields,
Browne of R.,	Finch,	McClurg,	Teegarden,
Brown of Wells,	Fuller,	Mansfield,	White,
Campbell,	Gaff,	March,	Wilson,
Claypool,	Gifford,	Marshall,	Wolfe, and
Cobb,	Grubb,	Moore,	Wright—42.
Culver,	Hartley,	Murray,	

Nays none.

So the bill passed.

On motion by Mr. Cobb,

The title of the bill was amended by adding these words, “and reserving the right to serve process thereon.”

The President laid before the Senate a communication from the Auditor of State in relation to the amount of fees, emoluments and perquisites of his office, &c.

On motion by Mr. March,

The communication was laid on the table.

Mr. Brown of Wells submitted the following :

MR. PRESIDENT :

The Committee on the part of the Senate, appointed to act with a committee on the part of the House, to wait upon his excellency, the Governor, and inquire what his pleasure was in regard to the delivery of his biennial message, would report that, in conjunction with said House committee, they have performed the duty assigned, and that his Excellency, in response, has transmitted the communication herewith presented, together with a copy of his message and the accompanying documents.

STATE OF INDIANA,  
EXECUTIVE DEPARTMENT,  
*Indianapolis, January 20, 1863.* }

*To the Hon. George S. Brown, Chairman of the Committee :*

SIR—In answer to the communication made to me by the committee, I beg leave to state that my answer has been delayed thus long by informal assurances, by gentlemen of the House, that the action of that body in relation to the message would be reconsidered. As there was not a quorum in the Senate when my message was sent before, I herewith transmit it with the accompanying documents.

Very respectfully,

O. P. MORTON,  
*Governor of Indiana.*

On motion by Mr. Cobb,

The documents accompanying the Governor's message were laid on the table.

Mr. Dunning moved to reconsider this vote.

Pending which,

On motion by Mr. Mellett,

The following message from the House was taken up.



MR. PRESIDENT :

I am directed to inform the Senate that the House has concurred in the adoption of the joint rules, with the following amendments, to-wit:

1st. Strike out the eleventh rule and re-insert the tenth rule.

2d. In the fifth line of the eighth rule strike out the word "made," and insert the word "unable."

3d. In the last line of the fifteenth rule strike out the word "ten," and insert the word "two;"

In which the concurrence of the Senate is requested.

On motion by Mr. Browne of Randolph,

The Senate concurred in the amendments.

On motion by Mr. Landers,

The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

The pending question being the motion to reconsider the vote laying on the table the documents accompanying the Governor's message,

Mr. Wolfe moved to lay this motion upon the table.

The ayes and noes were demanded by Messrs. Mellett and Claypool; being ordered and taken, resulted, ayes 22, noes 22.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hord,	Ray,
Bradley,	Ferguson,	Jenkins,	Shields,
Brown of Wells,	Finch,	Johnson,	Williams,
Cobb,	Fuller,	Landers,	Wilson, and
Davis of Cass,	Hartley,	Marshall,	Wolfe—22.
Douglass,	Hoagland,	Moore,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Grubb,	New,
Bearss,	Culver,	McClurg,	Pleak,
Beeson,	Davis of Parke,	Mansfield,	Teegarden,
Berry,	Dunning,	March,	White, and
Browne of R.,	Gaff,	Mellet,	Wright—22.
Campbell,	Gifford,	Murray,	

So the motion was rejected.

Mr. Browne asked and obtained leave of absence for Mr. Reed, on account of sickness.

The question being on the motion to reconsider,

The ayes and noes were demanded by Messrs. Johnson and Moore, and being taken, resulted, ayes 24, noes 20.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Hartley,	Murray,
Bearss,	Davis of Parke,	Hoagland,	New,
Beeson,	Dunning,	McClurg,	Pleak,
Berry,	Gaff,	Mansfield,	Teegarden,
Browne of R.,	Gifford,	March,	White, and
Campbell,	Grubb,	Mellet,	Wright—24.
Claypool,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Jenkins,	Ray,
Bradley,	Ferguson,	Johnson,	Shields,

Brown of Wells, Finch,	Landers,	Williams,
Cobb, Fuller,	Marshall,	Wilson, and
Davis of Cass, Hord,	Moore,	Wolfe—20.
Douglass,		

So the motion to reconsider was agreed to.

The question recurring on the motion to lay on the table,

Mr. Claypool moved to amend as follows:

“And that five thousand copies of the message of his Excellency, Governor Morton, be printed for the use of the Senate, two thousand copies of the same to be printed in the German language.”

Mr. Wolfe moved to postpone the further consideration of the matter till to-morrow, 2 o'clock, P. M.

The ayes and noes were demanded by Messrs. Mellett and Bearss; it being taken, resulted ayes 27, noes 17, as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hord,	Moore,
Bradley,	Finch,	Jenkins,	Murray,
Brown of Wells, Fuller,	Johnson,	Ray,	
Cobb, Gaff,	Landers,	Shields,	
Davis of Cass, Gifford,	McClurg,	Williams,	
Douglass, Hartley,	March,	Wilson, and	
Dunning, Hoagland,	Marshall,	Wolfe—27.	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Caypool,	Mansfield,	Teegarden,
Beeson,	Culver,	Mellett,	White, and
Berry,	Davis of Parke, New,		Wright—17.
Browne of R.,	Downey,		

So the motion to postpone was adopted.

The President laid before the Senate a communication from the Governor, in reply to a resolution of the Senate, embracing a de-

tailed statement of the disbursements made by him under the \$100,000 Military Contingent Fund, which is as follows :

EXECUTIVE DEPARTMENT, }  
Indianapolis, January 20, 1863. }

*To the Senate of Indiana :*

In reply to a resolution of your honorable body, calling upon me to furnish a detailed statement of the disbursements made under the appropriation, made at the Extra Session, of \$100,000 to the Military Contingent Fund, I have the honor to submit the following report :

# MILITARY CONTINGENT FUND—DISBURSEMENTS—GOVERNOR'S REPORT.

DATE.	IN FAVOR OF.	ON ACCOUNT OF.	A mount.	Audited by Mil. Aud. Com.	Number of Warrant.	REMARKS.
1861. May	4 O. P. Morton	For purchase of supplies for troops	\$10,000 00		2457	Of this amount \$6,100 was paid to the Quartermaster General, as per receipt on file in Auditor of State's Office, and the balance was deposited in Bank to be drawn on as needed, but was not used. On the 23d day of February, 1862, the Governor drew it out of bank and repaid it into the State Treasury together with \$125 80-100 interest, at the rate of 4 per cent, allowed by the bank thereon, making \$4,125 80 100 refunded.
Aug.	4 Isaiah Mansur, Commissary General	For purchase of commissary supplies	10,000 00		2474	Vouchers filed with Auditor of State.
	8 William Miller	Services and expenses	30 00		4001	Arresting and detaining 'laystone with contraband goods.
	8 Isaac Mass	do	12 00		4002	do do do
Nov.	11 Adams Express Company	Transportation	4 00		4831	Freight on three boxes contraband pistols.
Dec. 1862.	18 W T Lockhart	Supplies, &c., for hospitals	439 53	Audited.	5112	Sick soldiers at Washington City belonging to Indiana reg'ts.
Jan.	15 Dr. F S Newcomer	Medical services of self and Drs. Dunlap & Bullard	60 00		157	Visiting 19th Illinois volunteers—accident on Ohio and Mississippi rail road.
	22 W H Terrell	Services, military	72 00	Audited.	180	Clerk to Military Auditing Committee.
	9 David C Brauham	Expenses as special agent	200 00		117	Visiting Washington and Indiana regiments on the Potomac.
Feb.	5 Leut Isaac W Hart	Military expenses on supplies to Indiana prisoners	100 00		256	This money was refunded to Treasury—see receipt No. 751, March 24, 1862, Auditor's Office.
	15 Levi Ross	Transportation	75 00	Audited.	286	For Company of Cavalry.
	25 W R Holl way	Expenses to Ky. and Tenn. with Hos. sup.	100 00		320	Vouchers filed in Auditor's Office.
	25 J G Hendricks	Medical services	56 00	Audited.	327	Surgeon to 3d Cavalry at Camp North Madison, Indiana.
	25 W H Terrell	Services, military	54 00	Audited.	328	Clerk to Military Auditing Committee
	25 Solomon Davis	Expenses as special surgeon	30 00	do	329	Visiting 33d regiment, at Crab Orchard, Kentucky.
	25 Matthew L Brett	Military services	29 80	do	330	On Military Auditing Committee.
	25 James Croxall	Transportation	12 00	do	331	Freight on donation goods to troops.
	26 W H Terrell	Military services	51 00	do	333	Clerk to Military Auditing Committee.
	26 D G Rose	Military services and expenses	559 50	do	336	Special agent to India na troops in Missouri.
	26 George Scott	Substance	122 40	do	337	Boarding volunteers.
	26 James S Wilson	Military services	60 00	do	343	Clerk in Adjutant General's Office.
	27 James S Wilson	do	105 00	do	344	do do do
	27 David C Brauham	do	76 80	do	345	Military Auditing Committee.
	27 Austin H Brown	do	120 00	do	352	Clerk in Adjutant General's Office.

# MILITARY CONTINGENT FUND—Continued.

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DATE.	IN FAVOR OF.	ON ACCOUNT OF.	Amount.	Audited by Mil. And. Com.	Warrant.	REMARKS.
1862.						
Feb.	28 Julius Beutlicher.....	Military printing.....	\$ 19 00	Audited.	354	Printing Regulations of War in German.
March	5 Joseph Kent.....	Army equipments.....	2,730 00	do	369	Seventeen army orders at \$160 each.
	5 Lawrence M Vance.....	Expenses as special agent.....	17 10	do	370	Visiting troops in Kentucky.
	12 Fielding Mansfield.....	Military services.....	140 00	do	419	Post Adjutant 62d regiment.
	13 A Stone, Commissary General.....	Expenses visiting Indiana regiments.....	300 00	do	420	Vouchers filed.
	13 Winslow, Lanier & Co.....	Military services.....	150 00	do	421	On account of services of R D Owen, agent to purchase arms.
	17 Wm R Holloway.....	Expenses visiting Indiana troops.....	100 00	do	435	At Nashville, Nw Madrid, &c. Vouchers filed.
	21 Dr. I H Prunk.....	Medical services.....	255 61	Audited.	446	Spec al surgeon to 19th regiment.
	21 Lazarus Noble.....	Military services.....	705 00	do	444	Three months service as Adjutant General.
April	7 Thos. A Goodwin.....	Services and expenses as pay agent.....	50 00	do	566	Allotment Commissioner—Vouchers filed in Auditor's Office—see No. 1838.
	7 F A Hardin.....	Military expenses.....	150 00	Audited.	571	Expenses recruiting 57th regiment.
	8 James S Athon.....	Military services and expenses.....	98 50	do	580	Services James M Gwin, Post Adjutant, clothing for insane soldier.
	9 James S Wilson.....	Military expenses.....	20 50	do	531	Expenses visiting sick soldiers, Louisville, Ky.
	9 Wm R Holloway.....	do do.....	500 00	do	596	Sundry expenses for sick and wounded, as per vouchers filed.
	10 Ben. S Nicklin.....	Military services.....	104 00	do	589	Services as commandant of camp at Indianapolis.
	10 J S Bobbs.....	Expenses as special surgeon.....	17 00	do	592	Visiting sick of 33d regiment, at Crab Orchard, Ky.
	12 James S Wilson.....	Special agent to Nashville, Tenn.....	60 00	do	606	Expenses visiting troops.
	12 D W Taylor.....	Transportation.....	92 57	do	607	Transportation of volunteers.
	12 Dr. Clay Brown.....	Expenses as special surgeon.....	675 00	do	609	Visiting troops, Paducah, Ky.
	16 Bernard F Mullen.....	Military services.....	99 10	do	632	Com'dt of camps, Madison, Terre Haute, and Indianapolis, 4 1/2 months.
	17 Gustavus Spielder.....	do do.....	54 40	do	642	Hospital Steward, and recruits for artillery company.
	17 Jesse D Carmichael.....	Subsistence.....	38 60	do	644	Boarding prisoners, and recruits for artillery company.
	17 Joshua H Mellett.....	Military services.....	368 00	do	651	Military Auditing Committee.
	18 B F Lord.....	Recruiting service.....	130 00	do	651	Ninety-two days recruiting for 56th regiment.
	18 McKernan & Pierce.....	Rebel prisoners.....	112 00	do	652	Thirteen burial lots for secessh.
	18 Ben. S Nicklin.....	Military services.....	300 00	do	653	Common tent of camps at Indianapolis.
	18 Miles Murphy.....	do do.....	2 50	do	655	Inspector General.
	18 Charles W Gould.....	Hospital supplies.....	30 00	do	657	Lime for hospital 43d regiment.
	18 Cushman & Stangor.....	Printing.....	98 40	do	657	Indiana Arsenal.
	18 Matthew L Brett.....	Military services.....	53 70	do	661	Military Auditing Committee.
	19 Wesley Connor.....	Transportation.....	365 40	do	663	Recruits for 38th regiment.
	19 Graham N Fitch.....	Military services.....	49 60	do	663	Common tent, organizing 46th regiment.
	22 H H Dodd & Co.....	Printing.....	390 00	do	660	For Adjutant General's Office.
	22 J W T McMullen.....	Military services and expenses.....		do	674	Organizing 57th regiment.



23	Dr J C Rooker.....	Special surgeon.....	23 00	683 Visiting hospitals, Mound City, Illinois.
24	Thomas A Goodwin.....	Services as pay agent to troops.....	50 00	683 Vouchers filed—see No. 1868, Auditor's office.
24	J L Frankem.....	Garlison equipage.....	213 08	689 Inware for troops.
24	Wm Grose.....	Military services.....	210 00	690 Commandant camp, 36th regiment.
28	Joseph Kent.....	Camp equipage.....	320 00	706 Army ovens.
28	J R Robinson.....	Military services.....	120 00	705 Post Commissary, Camp Morton.
28	W Conannon.....	Subsistence.....	39 25	705 Boarding recruits, 9th regiment.
28	R A Houghton.....	Special surgeon.....	30 00	713 Ex. enises as special surgeon to troops, Pittsburg Landing.
29	John F. Wallick, Agent.....	Military telegraphing.....	978 53	739 East Department, Nov. and Dec. 1861, \$838 24—Adjutant General's office, Nov. and Dec. 1861, \$140 39.
May				
8	James S Wilson.....	Military services.....	130 00	767 Clerk to Adjutant General.
9	Wm J Elliott.....	do do.....	150 00	774 Expenses to Washington City, relative to 12th and 16th regts.
9	C T Wilson.....	do do.....	50 00	775 Special agent to Cairo, Ill.—voucher filed No. 1385, And. office.
10	Hospital steamer "Crawford",.....	do expenses.....	2,000 00	791 Advanced to A. Stone, Com. Gen.—vouchers filed—see No. 872, Auditor's office.
May				
10	O P Morton.....	Military expenses.....	500 01	795 Sundry expenses—vouchers filed per agents, &c.
17	John C New.....	do do.....	20 40	834 Visiting hospital at St. Louis.
28	Wm C Lupton.....	do services.....	123 00	836 Clerk to Military Auditing Committee.
29	Josua H Mellett.....	do do.....	20 80	838 Member do do
29	Geo W McConnell.....	Supplies, &c., for troops.....	638 75	840 Recruits 44th regiment.
30	B S Woodworth.....	Medical services.....	100 00	844 Surgeon at Camp Allen.
30	R D Brown.....	Expenses Military Auditing Committee.....	33 00	847 Attendance on committee room.
30	Matthew L Brett.....	Military services.....	39 80	849 Member Military Auditing Committee.
31	David C Bruham.....	do do.....	105 00	850 do do
31	State of Ohio.....	Transportation.....	3 58	851 Sick and crippled soldiers.
June				
5	Wm J May.....	Hospital steamer.....	2,501 50	872 Balance—due on steamer Crawford—see voucher No. 791
7	James S Wilson.....	Military services.....	152 50	901 Clerk to Adjutant General.
17	Delaney W ley.....	Special surgeon.....	126 96	947 Visiting hospitals and regiments, East.
17	Geo H Fleming.....	Military services.....	67 00	962 Clerk to Adjutant General, and expenses visiting ho pital, Evansville.
17	Wm C Lupton.....	Military services.....	56 00	1007 Clerk Military Auditing Committee.
21	Dr D H Prunk.....	Special surgeon.....	121 50	1019 Attendance on sick of 19th regiment.
17	Dr James S Athon.....	do do.....	136 96	947 Visiting hospitals and regiments, East.
17	Gustave C Arnold.....	Military services.....	84 00	964 Clerk in Quartermaster's Department, Camp Morton.
20	Matthew L Brett.....	do do.....	20 80	1008 Member Military Auditing Committee.
20	Josua H Mellett.....	do do.....	11 80	1009 do do
20	Evansville & Crawfordsville R R.....	Transportation.....	243 39	1013 Freight on sanitary goods and hospital supplies.
21	Wm H H Terrell.....	Hospital 19th regiment.....	22 35	1020 Amount deducted from W. H. Prunk's bill—(see No. 1019) due hospital, 19th regiment.
26	Milton P Gee.....	Military services.....	116 60	1040 Clerk hospital steamer W. W. Crawford.
26	George W Riddell.....	Special surgeon.....	182 70	1041 Visiting Indiana regiments, East.
27	Andrew F Scott.....	Military services.....	173 00	1044 do do in Virginia and Maryland.
27	John C New.....	do expenses.....	21 10	1048 do hospitals, Nashville, Tenn.
27	James S Wilson.....	do services.....	70 00	1049 Clerk Adjutant General's office.
27	George P Wright, Q M G, Ohio.....	Camp equipage.....	120 00	1151 Twenty tents furnished 7th Indiana volunteers.
25	Fritz Anneke.....	Recruiting service.....	801 16	1034 Organizing artillery.
17	Wm J Elliott.....	Military services and expenses.....	150 00	1146 Visiting Indiana regiments as special agent.
9	W R Holloway.....	do expenses.....	100 00	1148 Money advanced T. A. Goodwin, and accounted for by him—see No. 1868, Ad.

## MILITARY CONTINGENT FUND—Continued.

Date.	IN FAVOR OF.	ON ACCOUNT OF.	Amount.	Audited by Mil. and. Com.	Number of Warrant.	REMARKS.
1892. July	9 E B Kilroy.....	Military expenses.....	\$54 25	Audited.	1148	Special pay agent to Corinth, Miss.
	10 Thomas A Goodwin.....	do services and expenses.....	200 00	do	1162	Special pay agent—see voucher No 1868, Auditor's office.
	11 Henry A Loudon.....	do expenses.....	60 00	do	1164	Postage stamps for military orders and proclamations.
	11 W Williams.....	Transportation.....	81 00	do	1186	Recruits 37th Indiana volunteers.
	18 Stephen Smith.....	Recruiting services.....	5 85	do	1191	Posting bills, recruiting.
	18 Bernard Ricker.....	Subsistence.....	109 30	do	1192	Boarding sick 44th regiment.
	19 Thomas A Goodwin.....	Military expenses and services.....	100 00	do	1196	Pay agent.
	19 Joshua H Mellett.....	Military services.....	11 80	do	1247	Member Military Auditing Committee.
	19 David C Branham.....	do do.....	42 00	Audited.	1248	do do do
	19 John C Roe.....	Special surgeon.....	61 25	do	1249	Visiting 13th regiment.
	19 James S Wilson.....	Clerk Adjutant General's office.....	141 00	do	1273	Military expenses.
	19 Matthew L Brett.....	Military services.....	29 80	do	1283	Member Military Auditing Committee.
	31 E J Putnam.....	do expenses.....	32 80	do	1292	With sanitary goods to Corinth, Miss.
	31 Henry Harris.....	do do.....	29 00	do	1293	Whitewashing "Soldiers' Home."
	4 Wm A Bickle.....	Recruiting service.....	50 00	do	1306	Recruiting 36th and 57th regiments.
Aug.	6 Geo H Fleming.....	Military services.....	98 00	do	1309	Clerk discharging disabled soldiers, and clerk to Adj. Gen.
	6 Thomas A Goodwin.....	do do and expenses.....	50 00	do	1321	Pay agent.
	14 Richard O'Neal.....	do expenses.....	19 50	do	1374	Special agent to Memphis.
	14 Geo H West.....	do services.....	100 00	do	1376	Military clerk to Governor.
	14 Horace A Fletcher, Treasurer.....	Camps and quarters.....	2,000 00	do	1387	Twelve months' rent of Camp Merton.
	15 Dr F S Newcomer.....	Special surgeon.....	100 00	do	1380	Services as examining surgeon for discharges.
	20 Claiborne T Wilson.....	Military services and expenses.....	18 00	do	1385	Services and expenses of agent to Cairo.
	21 Joseph Mathers.....	do do.....	60 00	do	1388	Clerk in discharging soldiers.
	21 Frederick Bags.....	do do.....	72 00	do	1389	Military clerk to Governor.
	22 James H Patterson.....	do do.....	25 00	do	1391	Clerk discharging soldiers.
	23 E R Ames.....	Military expenses.....	45 00	do	1393	Bearer of dispatches to Secretary of War.
	25 L Dunlap.....	Special surgeon.....	100 00	do	1394	Examining disabled soldiers.
	28 W T Deunis.....	Military expenses.....	37 60	do	1399	Expenses to Culpepper, Va., for disabled soldiers.
	28 S P Coffin.....	do do.....	70 50	do	1401	Arresting escaped rebel prisoners.
	29 G O Jones.....	Military services and expenses.....	100 00	do	1403	General sanitary agent—see voucher No 1678, Aud. office.
	29 Richard Rosworth.....	do do.....	100 00	do	1404	do do do
Sept.	1 J J Reynolds.....	Recruiting service.....	33 69	do	1406	Organizing troops.
	6 C F Rooker.....	Military services.....	59 00	do	1443	Military clerk to Governor.
	8 T A Goodwin.....	do do.....	100 00	do	1419	Pay agent.
	12 G W Fullerton.....	Special surgeon.....	15 00	do	1475	Visiting troops.
	12 Dr T Farvin.....	Sick and wounded.....	1,000 00	do	1476	Expenses ambulance train to Richmond, Ky.

17	Geo H West.....	Military services.....	54 00	1482	Military clerk to Governor.
18	Abel Evans.....	do do	388 00	1484	Post Master for prisoners at Camp Morton.
19	A & J C S Harrison.....	Sick and wounded.....	1,000 00	1485	Advanced for expenses ambulance train to Richmond, Ky.
20	W A Bickle.....	Recruiting service.....	105 50	1487	Recruiting regiments in 5th Congressional district.
21	Geo K Steele.....	Military service.....	100 00	1488	Expense as Governor's aid, visiting troops in Kentucky.
22	Delaney Wiley, M. D.....	Special surgeon.....	150 00	1490	To look after wounded army of the Potomac.
23	J C Giesendorf.....	Military expenses.....	10 25	1491	Visiting troops in Kentucky.
24	J W & E R Wood.....	Military expenses.....	10 50	1492	Case for military papers—Governor's office.
25	Robert S Mitchell, M. D.....	Special surgeon.....	22 00	1494	Visiting sick 57th regiment.
26	W H H Terrell.....	Military services.....	300 00	1495	Military secretary to Governor.
27	A & J C S Harrison.....	Military expenses.....	246 11	1497	Interest and expenses on loans to pay bounties to troops.
28	C F Rooker.....	do services.....	23 00	1500	Military clerk.
29	Lazarus Noble.....	do expenses.....	239 71	1559	Expenses Adjutant General's Office.
30	George Lowe.....	do do	110 00	1568	Wagon for Sisters of Charity visiting Hospitals.
31	C F Rooker.....	do services.....	20 00	1580	Military clerk.
32	C W Hall.....	do expenses.....	87 00	1614	Horse hire for visiting camps by sundry persons.
33	Western Union Telegraph Company.....	do do	12 08	1623	Telegraph bill at Cincinnati.
34	W T Dennis.....	do do	412 25	1626	Expenses as agent to sick soldiers at Washington.
35	John C New.....	do do	64 75	1633	Desks, &c, for military papers.
36	John C New.....	do do	53 75	1634	Visiting troops.
37	C F Rooker.....	do services.....	22 00	1638	Military clerk.
38	A H Conner.....	do expenses.....	81 25	1641	Postage stamps for commissioner drafting militia.
39	Dr. E W Leach.....	Special surgeon.....	115 00	1643	Visiting 76th regiment.
40	Delaney Wiley, M. D.....	do do	57 10	1654	Visiting Hospitals, East.
41	Henry Loudon.....	Military expenses.....	36 00	1650	Messenger.
42	George H West.....	do services.....	72 00	1657	Military clerk.
43	Wm F Sherrod.....	Special surgeon.....	466 74	1671	Visiting 33d regiment.
44	B F Tuttle.....	Military services and expenses.....	274 00	1672	Pay and sanitary agent.
45	T A Goodwin.....	do services.....	50 00	1675	Pay agent.
46	J J Reynolds.....	Recruiting expenses.....	59 60	1676	Organizing Indiana regiments.
47	George O Jones.....	Military services.....	157 96	1678	General sanitary agents.
48	M L B rett.....	do do	32 80	1679	Military Auditing Committee.
49	W B Fletcher, M. D.....	Special surgeon.....	29 00	1685	Expenses of surgeons to Kentucky.
50	Margaret North.....	Nurses.....	20 50	1686	Expenses to Richmond, Kentucky.
51	W H H Terrell.....	Military services.....	260 00	1687	Military secretary to Governor.
52	O P Morton.....	Military expenses.....	100 00	1689	Expenses to Washington on military business.
53	T B Siring.....	Military services.....	37 00	1693	Special service in Kentucky.
54	R D Brown.....	do do	15 00	1694	Services to Military Auditing Committee.
55	J S Wilson.....	do do	285 00	1695	Clerk to Adjutant General.
56	J S Bobbs, M. D.....	Special surgeon.....	44 00	1705	Expenses visiting troops.
57	C J Woods.....	Military services and expenses.....	100 00	1707	Military agency, Louisville.
58	James W. Scott.....	do do	100 00	1710	Sanitary agent.
59	J T Kibbey.....	do do	52 75	1711	Services and expenses aid de Camp to Major General Love.
60	Adams Express Company.....	Transportation.....	22 60	1768	Freight on goods for hospitals.
61	F S Newcomer, M. D.....	Special surgeon.....	27 50	1776	Expenses visiting troops, Perryville, Ky.
62	John M Wilson.....	Camp equipage.....	32 50	1812	Balance on tents for U. S. troops.
63	Western Union Telegraph Company.....	Military expenses.....	2,050 54	1820	Military telegraphing, January, February, April and May.
64	W. T. Dennis.....	do do	201 46	1830	Expenses Washington agency Indiana soldiers.
65	J J Hayden.....	do services.....	178 50	1837	Clerk Military Auditing Committee.

Oct.

Nov.

# MILITARY CONTINGENT FUND—Continued.

Date.	IN FAVOR OF	ON ACCOUNT OF	Amount.	Audited by Mil. And. Com.	Number of Warrant	REMARKS.
1862						
14	Dr T Bullard.....	Special surgeon.....	\$43 70	Audited.		1844 Expenses visiting troops on Pot. mac.
14	Fielding Mansfield.....	Military services.....	108 00			1845 Post Adjutant Camp Reynolds.
14	L Wood.....	do expenses.....	24 75			1848 Expenses with hospital supplies to Washington City.
18	Adams Express Co.....	Transportation.....	2 50			1862 Freight on old regimental flags.
18	James S Wilson.....	Military services.....	60 00	do		1863 Clerk to Adjutant General.
19	T A Goodwin.....	do do.....	652 01	do		1868 Services and expenses pay agent.
19	Geo W Dunn.....	do do.....	148 00	do		1870 Clerk to Adjutant General.
19	Dr N G Eno.....	Special surgeon.....	178 67	do		1873 Additional assistant surgeon, 30th regiment.
20	Sorenson & Co.....	Ammunition.....	19 50	do		1880 P. wder Union Artillery, Evansville.
20	J H Mellett.....	Military services.....	20 80	do		1883 Military Auditing Committee.
20	D C Branham.....	do do.....	76 00	do		1896 do do
20	J J Hayden.....	do do.....	63 00	do		1888 Clerk Military Auditing Committee.
22	W R C Jenks.....	do do.....	130 00	do		1900 Post Adjutant, Camp Joe Reynolds.
24	Louisville, Frank & Lexington R R Co	Transportation.....	235 76	do		1902 Fare for sick and wounded soldiers.
26	W H H Terrell.....	Military services.....	100 00	do		1922 Military secretary to Governor.
28	R Bosworth.....	Special surgeon.....	25 20	do		1924 Special surgeon to Louisville.
11	E S Brooks.....	General sanitary agent.....	150 00	do		1940 On account of services and transportation gen sanitary agent.
11	Geo B Wright, Q M G Ohio	Transportation.....	39 29	do		1768 Transportation sick and wounded soldiers.
Dec.	1 Henry Loudon.....	do do.....	84 90	do		1769 do do
	1 Gale Loudon.....	Military expenses.....	13 00	do		1947 Stamps, postage and revenue.
	2 Dr C J Woods.....	do do.....	10 00	do		1500 Postage for relief circulars.
	2 George H West.....	Military services.....	50 00	do		1951 Rent of office for Louisville agency.
	3 Lazarus Noble.....	do expenses.....	60 00	do		1954 Military clerk to Governor
	3 James W Scott.....	do do.....	176 00	do		1961 Incidental expenses Adjutant General's office.
	4 Abel Evans.....	do do.....	100 00	do		1963 On account of expenses as general sanitary agent.
	4 J F Stevens.....	do do.....	125 00	do		1974 do do visiting troops.
	4 Journal Co.....	Recruiting service.....	362 25	do		1975 Services and expenses recruiting regiments in 4th Cong. District.
	6 T A Goodwin.....	Military printing.....	747 25	do		1977 Sundry military printing.
	12 T A Goodwin.....	do expenses.....	160 00	do		2013 On account of expenses for Memphis agency.
	12 Dr David Hutchinson	do do.....	100 00	do		2035 do do as pay agent.
	13 W J Elliott.....	do do.....	150 00	do		2036 do do Nashville agency.
	15 E Gale Loudon.....	do do.....	150 00	do		2037 Visiting troops in Missouri and Arkansas.
	17 J S Wilson.....	Military expenses.....	20 00	do		2040 Postage stamps, military business.
	18 W R C Jenks.....	do do.....	150 00	do		2046 On account of expenses Columbus Ky., Agency, now moved
	19 Dr Delaney Wiley.....	do services.....	40 00	do		2052 On account of expenses as Post Adjutant.
		do expenses.....	100 00	do		2055 On account of expenses, Cairo agency.

[to St. Louis,  
Agency, now moved

19 M L Brett.....	do services.....	50 40	2056 Military Auditing Committee.
19 J H Mellett.....	do do.....	20 80	2057 do do.....
20 R D Owen.....	Subsistence.....	40 00	2060 Paid for subsistence of Indiana troops in Washington City.
20 E N Banks.....	Special surgeon.....	37 50	2061 Expenses of special surgeon to Perryville, Ky.
20 J J Hayden.....	Military services.....	87 00	2062 Clerk Auditing Committee.
20 J S Wilson.....	do do.....	90 50	2066 Expenses special service.
22 W R C Jenks.....	do do.....	44 00	2070 Post Adjutant services.
23 Geo W Dunn.....	do do.....	20 00	2099 Clerk, Adjutant General's office.
23 Michael Wilson.....	do expenses.....	113 95	2100 Expenses of general agent visiting troops.
24 Merrill & Co.....	do do.....	10 50	2118 Six copies Army Regulations.
24 L S Greunard.....	do do.....	25 00	2119 Painting new flags for old regiments.
24 W H H Terrell.....	do services.....	50 00	2125 Military Secretary to Governor.
26 J J Hayden.....	Drafted militia.....	201 36	2126 Postage stamps for draft papers.
27 W T Dennis.....	Military expenses.....	100 00	2129 Expenses of Washington agency.
27 D P Holloway.....	do do.....	25 00	2130 Contribution dinner for sick soldiers at Washington City.
27 J J Hayden.....	Drafted militia.....	54 00	2146 Stamps for draft papers.
27 George H West.....	Military services.....		2153 Military Clerk for Governor.
Total.....		\$59,147 06	

From which amount the following deductions are to be made for moneys refunded and repaid into the Treasury:

Feb. 24	O P Morton, of amount drawn May 4, 1861.....	\$4,000 00
Mar. 24	Lieut J W Hart, of amount drawn Feb. 5, 1862.....	100 00
1863.	A Stoue, Commissary General, of amount drawn March 13, 1862.....	15 38
Jan. 2	From amounts drawn Sept. 12 and 18, 1862, for ambulance trains to Richmond, Ky.....	898 78
		<u>4,944 16</u>
		\$54,202 90

NOTE.—The above statement includes amounts paid special agents for services and expenses visiting troops, delivering sanitary supplies, collecting pay, expenses of permanent agencies, to-wit:..... \$7,865 49

Services and expenses of Special Surgeons visiting hospitals and regiments, to-wit:..... 9,103 85

Hospital steamers, for conveyance of sick and wounded, including expenses, to-wit:..... 4,618 16

Expenses of ambulance trains for wounded, to Richmond, Ky., to-wit:..... 1,330 22



On the first day of June, 1861, in answer to a resolution of the Senate, inquiring what disbursements had been made under the Military Contingent Fund, I reported to that body that I had examined and passed vouchers to the amount of \$133,177 78 for the subsistence, clothing, equipment, and transportation of troops raised in this State for State and Federal purposes, from which it would appear that the Military Contingent Fund was exhausted. This report was made from my own books, and not from those of the Auditor of State. Some time afterward I was notified by the Auditor of State, Mr. Lange, that my statement that the fund was exhausted was an error, inasmuch as the vouchers composing the above amount of \$133,177 78 had been by him charged to the Military and other proper funds, all of which appeared by an examination of his books, excepting the sum of \$20,000, of which sum I had drawn from the Treasury \$10,000 as the Governor of the State.

Of this latter amount \$6,000 was paid to John H. Vajen, as Quartermaster General of the State, for which he properly accounted by filing in the Auditor's office vouchers and receipts. The remaining \$4,000 I deposited in bank, in my official character, for a special purpose, but it not having been required, I returned the money to the Treasury, with the interest which had accrued upon it in bank. The sum of \$616 63, alluded to in my former report, as having been paid for telegraphing, was paid by a check, and turned out to have been charged to my private account in bank, leaving the official deposit of \$4,000 unbroken. This sum of \$616 63 was repaid to me from the Military Fund.

The account herewith presented of disbursements made under the appropriation of \$100,000 as a Military Contingent Fund, is a transcript of the Auditor's account charged against that fund, as will appear by reference to the books and vouchers in his office.

I have also the honor to furnish herewith, a detailed statement of the disbursements made under the appropriation at the Extra Session, 1861, of \$1,500, for incidental expenses of the Governor's office.

O. P. MORTON,  
*Governor of Indiana.*



*AMOUNT of moneys expended on account of Incidental Expenses Governor's office, reported to the General Assembly of the State of Indiana, under the 11th section of an act entitled "An act making additional appropriations for the years 1861 and 1862, and defining the funds from which they are to be paid, &c., approved May 31, 1861.*

Date.	In favor of.	On account of.	No. of warrant.	Amount.
1861.				
October 10.....	William H. Schlater.	Services Military Secretary.	4644	\$100 00
October 19.....	do	do do do	4702	100 00
November 27.....	do	do do do	4834	150 00
December 4.....	do	do do do	5032	100 00
December 30.....	do	do do do	5137	405 00
1862.				
March 7.....	W. H. H. Terrell.....			
May 14.....	do	do do do	393	200 00
June 14.....	do	do do do	803	100 00
July 26.....	do	do do do	939	200 00
			1252	100 00
				\$1,455 00

O. P. MORTON,  
Governor of Indiana.

January 1, 1863.

On motion by Mr. Wolfe,

It was laid on the table and 200 copies ordered to be printed.

Mr. Brown moved that 200 copies of the Report of the Banking Commissioners, submitted a few days since, be printed for the use of the Senate;

Which motion was agreed to.

Mr. Brown of Wells offered the following resolutions :

*Resolved, by the Senate (the House concurring,) That as the Representatives of the people of the State, we hereby extend their thanks to that noble army of volunteer surgeons and nurses who, with great personal sacrifices to themselves, and with no prospect of future position, power, or aggrandizement accruing to them therefrom, have surrendered themselves to the mission of alleviating the sufferings of Indiana's gallant sons, who, by disease or the casualties of dread war, have been cast upon beds of pain and anguish.*

*Resolved, That the foregoing resolution be regarded as supple-*

mentary to the concurrent resolution of the Senate, which was passed yesterday, returning thanks to His Excellency, Governor O. P. Morton, for his efforts in behalf of our sick and wounded soldiers.

Mr. Browne of Randolph moved to amend by striking out the second resolution, pending which,

Mr. Cobb moved to take up the following message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the House has adopted the following resolution, to-wit :

*Resolved*, That the Senate be invited to immediately repair to the Hall of this House for the purpose of going into joint convention for the election of certain officers, as heretofore resolved by the two Houses of this General Assembly.

The Senate is accordingly invited to repair immediately to the Hall of the House.

On motion by Mr. Cobb,

The message was concurred in, and accordingly the Senate repaired to the House of Representative, where the President of the Senate called the joint convention to order, and stated its object to be the election of three directors of the State Prison North and South, and a State Printer.

Representative Brown moved to elect first the two Directors for the State Prison South, to serve the long term.

Senator Wolfe moved to amend by electing one Director at a time.

This motion was rejected, and Mr. Brown's motion was agreed to.

Nominations being in order,

Representative Niblack nominated George E. Greene, of Knox county.

Senator Ray nominated Samuel Donelson, of Shelby county.

Representative Moorman nominated A. S. Carothers and S. M. Mitchell.

No other nominations being made, the result of the first ballot is as follows:

THOSE WHO VOTED FOR GEORGE GREENE AND SAMUEL DONELSON WERE—

Messrs.	Dunning,	Hoagland,	Moore,
Bradley,	Finch,	Hord,	Ray,
Brown of Wells,	Ferguson,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Williams,
Davis of Cass,	Gaff,	Landers,	Wilson, and
Douglass,	Gifford,	McClurg,	Wolfe,
Downey,	Hartley,	Marshall,	

Of the Senate—26.

Messrs.	Hall,	Lemmon of H.,	Richardson,
Abbett,	Hanna,	Mason,	Rippey,
Bird,	Harden of W.,	McCaughey,	Roberts,
Blocher,	Hardin of Perry,	Miller,	Ryan,
Brogan,	Harney,	Milroy,	Shaffer,
Brown,	Hetfield,	Mutz,	Shoaff of Allen,
Burton,	Hon,	Niblack,	Shoaff of Jay,
Collins,	Howard,	O'Brien of M.,	Spencer,
Cook,	Howell,	Osborn,	Veach,
Donaldson,	Howk,	Packard,	Waterman,
Ferris,	Humphreys,	Pendleton,	Williams,
Garvin,	Kemp of Dubois,	Priest,	Wolfe,
Given,	Lasselle,	Puett,	Woollen, and
Gregg,	Lee,	Reitz,	Mr. Speaker,

Of the House—55.

THOSE WHO VOTED FOR A. S. CAROTHERS AND S. M. MITHELL WERE—

Messrs.	Campbell,	Mansfield,	New,
Bearss,	Claypool,	March,	Pleak,
Beeson,	Culver,	Melletts,	White, and
Berry,	Grubb,	Murray,	Wright,
Browne of R.,			

## Of the Senate—15.

Messrs.	Chambers,	Jones,	Noyes,
Abdill,	Davis,	Kendrick,	O'Brien of H.,
Anderson,	Forrester,	Kilgore,	Perry,
Atkison,	Gregory,	Lamb,	Pettibone,
Baker,	Griffith,	Leeds,	Robinson,
Branham,	Hershey,	Marshall,	Roe,
Budd,	Higgins,	Moorman,	Stone,
Beyerle,	Hostetter,	Morgan,	Tarkington,
Cason,	James,	Mustard,	Van Buskirk, and
Cass,	Johnson,	Newman,	Woodruff,

## Of the House—39.

Whole number of votes cast 135. Necessary to a choice 76, of which George E. Greene received 81, Samuel Donelson 81, Samuel Mitchell 54, and A. S. Carothers 54.

George E. Greene and Samuel Donelson having received a majority of all the votes cast, they were declared duly elected Directors for the State Prison South, to serve as such during the term prescribed by law.

Nominations for a Director of the State Prison South, for the short term, being in order,

Representative Howard nominated John F. Reed, of Jefferson county.

Senator March nominated William Brotherton, of Delaware county.

No other nomination being made, the result of the first ballot is as follows :

## THOSE WHO VOTED FOR JOHN F. REED WERE—

Messrs.	Dunning,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Williams,
Davis of Cass,	Gaff,	Landers,	Wilson, and
Douglass,	Gifford,	McClurg,	Woolfe,
Downey,	Hartley,	Marshall,	

## Of the Senate—26.

Messrs.	Hall,	Lemmon of H.,	Richardson,
Abbett,	Hanna,	Mason,	Rippey,
Bird,	Harden of W.,	McCaughey,	Roberts,
Blocher,	Hardin of Perry,	Miller,	Ryan,
Brogan,	Harney,	Milroy,	Shaffer,
Brown,	Hetfield,	Mutz,	Shoaff of Allen,
Burton,	Hon,	Niblack,	Shoaff of Jay,
Collins,	Howard,	O'Brien of M.,	Spencer,
Cook,	Howell,	Osborne,	Veach,
Donaldson,	Hawk,	Packard,	Waterman,
Ferris,	Humphreys,	Pendleton,	Williams,
Garvin,	Kemp of Dubois,	Priest,	Wolfe,
Given,	Lasselle,	Puett,	Woollen, and
Gregg,	Lee,	Reitz,	Mr. Speaker,

## Of the House—55.

## THOSE WHO VOTED FOR MR. BROTHERTON WERE—

Messrs.	Campbell,	Mansfield,	New,
Bearss,	Claypool,	March,	Pleak,
Beeson,	Culver,	Mellet,	White, and
Berry,	Grubb,	Murray,	Wright,
Browne of R.,			

## Of the Senate—15.

Messrs.	Chambers,	Jones,	Noyes,
Abdill,	Davis,	Kendrick,	O'Brien of H.,
Anderson,	Forrester,	Kilgore,	Perry,
Atkison,	Gregory,	Lamb,	Pettibone,
Baker,	Griffith,	Leeds,	Robinson,
Branham,	Hershey,	Marshall,	Roe,
Budd,	Higgins,	Moorman,	Stone,
Beyerle,	Hostetter,	Morgan,	Tarkington,
Cason,	James,	Mustard,	VanBuskirk, and
Cass,	Johnson,	Newman,	Woodruff,

## Of the House—39.

Whole number of votes cast 135; necessary to a choice 76, of

which John F. Reed received 81 votes, and William Brotherton 54 votes.

John F. Reed having received a majority of the whole number of votes cast, was declared duly elected Director of State Prison South, to serve two years.

Nominations for three Prison Directors North being in order, Senator Hoagland nominated Thomas Tigar, of Allen county.

Representative Wolfe nominated James H. Swaar, of Owen county.

Representative Miller nominated R. S. Hastings, of Tippecanoe county.

Representative Moorman nominated Chauncy B. Blair, of Laporte county, Hugh Hanna, of Wabash county, and Jonas Votaw, of Jay county.

No other nominations being made, the result of the first ballot was as follows:

THOSE WHO VOTED FOR THOMAS TIGAR WERE—

Messrs.	Dunning,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Landers,	Williams,
Davis of Cass,	Gaff,	McClurg,	Wilson, and
Douglass,	Gifford,	Marshall,	Wolfe,
Downey,	Hartley,		

Of the Senate—25.

Messrs.	Hall,	Lemmon of H.,	Richardson,
Abbett,	Hanna,	Mason,	Rippey,
Bird,	Harden of W.,	McCaughey,	Roberts,
Blocher,	Hardin of Perry,	Miller,	Ryan,
Brogan,	Harney,	Milroy,	Shaffer,
Brown,	Hetfield,	Mutz,	Shoaff of Allen,
Burton,	Hon,	Niblack,	Shoaff of Jay,
Collins,	Howard,	O'Brien of M.,	Spencer,



Cook,	Howell,	Osborne,	Veach,
Donaldson,	Howk,	Packard,	Waterman,
Ferris,	Humphreys,	Pendleton,	Williams,
Garvin,	Kemp of Dubois,	Priest,	Wolfe,
Given,	Lasselle,	Puett,	Woollen, and
Gregg,	Lee,	Reitz,	Mr. Speaker,

Of the House—55.

THOSE WHO VOTED FOR MR. JAMES H. SWAAR WERE—

Messrs.	Downey,	Hartley,	Marshall,
Bradley,	Dunning,	Hoagland,	Moore,
Browne of R.,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Williams,
Davis of Cass,	Gaff,	Landers,	Wilson, and
Douglass,	Gifford,	McClurg,	Wolfe,

Of the Senate—27.

Messrs.	Hanna,	Lemmon of H.,	Richardson,
Abbett,	Harden of W.,	Mason,	Rippee,
Bird,	Hardin of Perry,	McCaughey,	Roberts,
Blocher,	Harney,	Miller,	Ryan,
Brogan,	Hetfield,	Milroy,	Shaffer,
Brown,	Hon,	Mutz,	Shoaff of Allen,
Burton,	Howard,	Niblack,	Shoaff of Jay,
Collins,	Howell,	O'Brien of M.,	Spencer,
Cook,	Howk,	Osborn,	Veach,
Donaldson,	Humphreys,	Packard,	Waterman,
Ferris,	Kemp of Dubois,	Pendleton,	Williams,
Garvin,	Kilgore,	Priest,	Wolfe,
Given,	Lasselle,	Puett,	Woollen, and
Gregg,	Lee,	Reitz,	Mr. Speaker,
Hall,			

Of the House—56.

THOSE WHO VOTED FOR R. S. HASTINGS WERE—

Messrs.	Dunning,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,

Cobb,	Fuller,	Johnson,	Williams,
Davis of Cass,	Gaff,	Landers,	Wilson, and
Douglass,	Gifford,	McClurg,	Wolfe,
Downey,	Hartley,	Marshall,	

## Of the Senate—26.

Messrs	Hall,	Lasselle,	Reitz,
Atkison,	Hanna,	Lee,	Richardson,
Baker,	Harden of W.,	Lemmon of H.,	Rippey,
Blocher,	Hardin of Perry,	Mason,	Roberts,
Brown,	Harney,	McCaughey,	Ryan,
Budd,	Higgins,	Miller,	Shaffer,
Burton,	Holcomb,	Milroy,	Shoaff of Allen,
Beyerle,	Hon,	Mutz,	Shoaff of Jay,
Collins,	Hostetter,	Niblack,	Spencer,
Davis,	Howard,	O'Brien of M.,	Veach,
Ferris,	Humphreys,	Osborn,	Waterman,
Forrester,	James,	Packard,	Williams,
Garvin,	Johnson,	Pendleton,	Wolfe,
Given,	Jones,	Priest,	Woollen, and
Griffith,	Kemp of Dubois,	Puett,	Mr. Speaker,

## Of the House—59.

## THOSE WHO VOTED FOR CHAUNCEY B. BLAIR WERE—

Messrs.	Campbell,	Mansfield,	New,
Bearss,	Claypool,	March,	Pleak,
Beeson,	Culver,	Mellet,	White, and
Berry,	Grubb,	Murray,	Wright,
Browne of R.,			

## Of the Senate—16.

Messrs.	Chambers,	Jones,	Noyes,
Abdill,	Davis,	Kendrick,	O'Brien of H.,
Anderson,	Forrester,	Kilgore,	Perry,
Atkison,	Gregory,	Lamb,	Pettibone,
Baker,	Griffith,	Leeds,	Robinson,
Branham,	Hershey,	Marshall,	Roe,
Budd,	Higgins,	Moorman,	Stone,

Beyerle,	Hostetter,	Morgan,	Tarkington,
Cason,	James,	Mustard,	Van Buskirk and
Cass,	Johnson,	Newman,	Woodruff,

Of the House—40.

THOSE WHO VOTED FOR HUGH HANNA WERE—

Messrs.	Claypool,	Mansfield,	New,
Bearss,	Culver,	March,	Pleak,
Beeson,	Grubb,	Mellet,	White, and
Berry,	Johnson,	Murray,	Wright,
Campbell,			

Of the Senate—16.

Messrs.	Chambers,	Jones,	O'Brien of H.,
Abdill,	Davis,	Kendrick,	Perry,
Anderson,	Forrester,	Lamb,	Pettibone,
Atkison,	Gregory,	Leeds,	Robinson,
Baker,	Griffith,	Marshall,	Roe,
Branham,	Hershey	Moorman,	Stone,
Budd,	Higgins,	Morgan,	Tarkington,
Beyerle,	Hostetter,	Mustard,	Van Buskirk, and
Cason,	James,	Newman,	Woodruff,
Cass,	Johnson,	Noyes,	

Of the House—39.

THOSE WHO VOTED FOR JONAS VOTAW WERE—

Messrs.	Browne of R.,	Grubb,	Murray,
Bearss,	Campbell,	Mansfield,	Pleak,
Beeson,	Claypool,	March,	White, and
Berry,	Culver,	Mellet,	Wright,

Of the Senate—16.

Messrs.	Chambers,	Jones,	Noyes,
Abdill,	Davis,	Kendrick,	O'Brien of H.,
Anderson,	Forrester,	Kilgore,	Perry,
Atkison,	Gregory,	Lamb,	Pettibone,

Baker,	Griffith,	Leeds,	Robinson,
Branham,	Hershey,	Marshall,	Roe,
Budd,	Higgins,	Moorman,	Stone,
Beyerle,	Hostetter,	Morgan,	Tarkington,
Cason,	James,	Mustard,	Van Buskirk and
Cass,	Johnson,	Newman,	Woodruff,

### Of the House—39.

Whole number of votes cast 135; necessary to a choice 76, of which James H. Swaar received 83 votes.

Thos. Tigar 80, R. S. Hastings 81, Chauncey B. Blair 56, Hugh Hanna 55, and Jonas Votaw 56.

Jas. H. Swaar, Thos. Tigar, and R. S. Hastings, having received a majority of all the votes cast, were declared duly elected Directors for the State Prison North to serve as such for four years.

Nominations for State Printer being next in order, Senator Brown of Wells nominated Joseph J. Bingham of Marion county.

Senator Beeson nominated Berry Sulgrove of Marion county.

No other nominations being made, the result of the first ballot is as follows:

#### THOSE WHO VOTED FOR JOSEPH J. BINGHAM WERE—

Messrs.	Dunning,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Williams,
Davis of Cass,	Gaff,	Landers,	Wilson, and
Douglass,	Gifford,	McClurg,	Wolfe,
Downey,	Hartley,	Marshall,	

### Of the Senate—26.

Messrs.	Hanna,	Mason,	Rippey,
Abbott,	Harden of W.,	McCaughy,	Roberts,
Bird,	Hardin of Perry,	Miller,	Ryan,
Blocher,	Harney,	Milroy,	Shaffer,

Brogan,	Hetfield,	Mutz,	Shoaff of Allen,
Brown,	Hon,	Niblack,	Shoaff of Jay,
Burton,	Howard,	O'Brien of M.,	Spencer,
Collins,	Howell,	Osborn,	Veach,
Cook,	Hawk,	Packard,	Waterman,
Donaldson,	Humphreys,	Pendleton,	Williams,
Ferris,	Kemp of Dubois,	Priest,	Wolfe,
Garvin,	Lasselle,	Puett,	Woollen, and
Given,	Lee,	Reitz,	Mr. Speaker,
Hall,	Lemmon of H.,	Richardson,	

Of the House—54.

THOSE WHO VOTED FOR BERRY SULGROVE WERE—

Messrs.	Campbell,	Mansfield,	New,
Bearss,	Claypool,	March,	Pleak,
Beeson,	Culver,	Mellet,	White, and
Berry,	Davis of Parke,	Murray,	Wright,
Browne of R.,	Grubb,		

Of the Senate—17.

Messrs.	Chambers,	Jones,	Noyes,
Abdill,	Davis,	Kendrick,	O'Brien of H.,
Anderson,	Forrester,	Kilgore,	Perry,
Atkison,	Gregory,	Lamb,	Pettibone,
Baker,	Griffith,	Leeds,	Robinson,
Branham,	Hershey,	Marshall,	Roe,
Budd,	Higgins,	Moorman,	Stone,
Beyerle,	Hostetter,	Morgan,	Tarkington,
Cason,	James,	Mustard,	Van Buskirk and
Cass,	Johnson,	Newman,	Woodruff,

Of the House—39.

Whole number of votes cast, 136; necessary to a choice, 69, of which Joseph J. Bingham received 80 votes, and Berry Sulgrove received 56 votes.

Joseph J. Bingham having received a majority of all the votes cast, was declared duly elected State Printer, to serve as such during the time prescribed by law.

The business for which the convention was called having been transacted, the President of the Senate declared the convention adjourned *sine die*.

The Senate having returned to its Chamber, and being called to order, resumed the consideration of Mr. Brown of Wells' resolution.

The question being on the motion to strike out the second resolution, it was agreed to.

The question being on the adoption of the resolution as amended,

Messrs Hord and Landers demanded the ayes and nays, and being ordered and taken, resulted ayes 40, nays 1, as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hoagland,	Murray,
Bearss,	Downey,	Hord,	New,
Beeson,	Dunning,	Jenkins,	Pleak,
Berry,	Ferguson,	Landers,	Ray,
Bradley,	Finch,	McClurg,	Shields,
Browne of R.,	Fuller,	Mansfield,	White,
Claypool,	Gaff,	March,	Williams,
Cobb,	Gifford,	Marshall,	Wilson,
Davis of Parke,	Grubb,	Melletts,	Wolfe, and
Davis of Cass,	Hartley,	Moore,	Wright—39.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Mr. Johnson—1.

So the resolution was adopted.

The President laid before the Senate a communication from the Secretary of State in response to a resolution of the Senate, desiring to be informed as to whether the 14th volume of the Indiana Reports had been distributed to the Clerks of the different counties pursuant to law, and if not, to furnish the Senate the reason why the same had not been done.

On motion by Mr. Wolfe,

It was referred to the Judiciary Committee.



On motion by Mr. Wolfe,

All the papers in the contested elections, except the case of Messrs. Baker and Murray, were ordered to be returned to the Committee on Elections.

Mr. Bradley offered the following, which was adopted:

*Resolved*, That the Committee on Benevolent Institutions inquire into the expediency of so amending the law for the government of the Indiana Hospital for the Insane, so as to provide for the admission into the Asylum, and the taking care of permanently, all the incurable insane of the State, said committee to report by bill or otherwise.

On motion by Mr. Browne of Randolph,

The Senate adjourned.

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THURSDAY, 9 o'clock, A. M., }  
January 22, 1863. }

The Senate met.

The Journal of yesterday was being read,

When Mr. Browne of Randolph moved to dispense with the further reading thereof.

The motion was agreed to.

Mr. Cobb offered the following, which was adopted:

*Resolved*, That the Doorkeeper be, and he is hereby requested to inquire into and report to the Senate at his earliest convenience, the condition of the committee-rooms heretofore used by the Senate, whether occupied by any person, and if so, by whom, and whether their use can be procured for the use of the Senate during the present session.

Mr. Brown offered the following, which was adopted:

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of reporting a bill authorizing some existing officer, or providing for the appointment of one or more competent persons in each county to grant injunctions and writs of *habeas corpus*, and to hold courts of conciliation.

Mr. Berry offered the following resolution, which was adopted :

*Resolved*, That the Secretary and Assistant secretary, the Doorkeeper and Assistant Doorkeeper be, and they are hereby required to report to the Senate, on this afternoon, the number of assistants employed by each, and the duties discharged by each of said assistants.

Mr. Hartley offered the following, which was rejected :

*Resolved*, That the Committee on Education be instructed to inquire into the expediency of reporting an amendment to the school law requiring Township Trustees to make annually an equal distribution of surplus school funds, (after the close of the winter free schools,) among the several school districts of their respective townships for the purpose of defraying the expenses of summer schools.

Mr. Williams offered the following, which was adopted :

*Resolved*, That the Doorkeeper be authorized to receive and distribute to members and officers of the Senate any and all documents printed for that purpose now in the hands of the Secretary of State.

On motion by Mr. Browne of Randolph, his resolution abolishing the Common Pleas Courts, Prosecuting Attorneys, &c., was taken up.

Mr. Cobb moved to strike out the word "instruct," and insert the word "request."

Which motion was agreed to.

Mr. March offered the following amendment by way of instruction :

Also, to inquire into the expediency of abolishing the Grand Jury.

Mr. New offered the following amendment to the amendment :

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing the criminal jurisdiction of the Court of Common Pleas, and restoring to the Grand Juries jurisdiction of all misdemeanors concurrent with Justices of the Peace, and requiring the Circuit Courts to hold criminal terms in any county, upon the request of the County Commissioners of such county.

The President laid before the Senate the following :

SENATE CHAMBER,        }  
January 22, 1863.        }

MR. PRESIDENT :

In obedience to a resolution of the Senate, adopted this morning, I submit the following report of the number of assistants employed by me, and the respective duties of each, to-wit:

One Reading Clerk—Who assists me in reading at the desk, and in superintending the engrossing and enrolling department.

One Registering Clerk—Whose duty it is to indorse upon bills their titles, and the action of the Senate thereon, and to register the same in a book for that purpose.

Two Engrossing Clerks—Whose duty it is to engross and enroll bills.

One Stationery Clerk—Appointed by the express order of the Senate.

I would state to the Senate that towards the middle of the session, when the business of the engrossing and enrolling department will be greatly increased, it may be necessary to employ additional assistance.

Very respectfully,

JAMES H. VAWTER,

*Secretary of Senate.*

Which, on motion of Mr. Browne of Randolph,

Was laid on the table.

On motion by Mr. Claypool,

The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

On motion by Mr. Williams,

The Senate passed over the matter pending at the time of recess for dinner, until 3 o'clock.

Mr. Wolfe moved to refer the contested election case of Baker against Murray, back to the Committee on Elections;

Which was agreed to.

The President laid before the Senate the following communication:

SENATE CHAMBER, January 22, 1863.

MR. PRESIDENT:

In compliance with a resolution adopted this day, I would respectfully report to the Senate that the number of clerks employed by me is two, and that their duties consist in making copies of all papers necessary to be placed in the journal of the Senate.

I have been enabled thus far to have the journal ready at the proper time with this number of clerks in my department, in consequence of my having been greatly assisted by the clerks employed by Mr. Vawter, the Principal Secretary.

As the business of legislation increases, I shall be compelled to have more clerks. In their appointment I shall be governed by the strictest economy, having no more than may be necessary to aid me in fulfilling the duties of my office to the satisfaction of the Senate.

Yours respectfully,

S. R. HAMILL,

*Assistant Secretary of the Senate.*

The President laid before the Senate the following:

PARIS C. DUNNING,

*President of the Senate:*

SIR:—In accordance with the resolution adopted by the Senate requiring the Doorkeeper and Assistant Doorkeeper to report the number of their assistants and their duties, we have the honor to submit the following:

Moser, Orsborn—Making fires and keeping order in the east lobby.

Mr. Tyler—Same in the west lobby.

Stutes and Elkins—Sweeping and keeping the Senate Chamber in order.

Folders—Vawter and Lee.

Distributing Stationery and Documents—Williams and Moore.

Pages—H. Montgomery, Thomas Ryan, and Orlando Cobb.

For keeping three committee rooms in order—Shindler, Green, and Joseph Favors

Messenger—Chas. Krauts.

Spittoon cleaner—Tim. Sullivan.

Respectfully,

W. H. MONTGOMERY,

*Doorkeeper.*

BRUCE SHIELDS,

*Assistant Doorkeeper.*

The President also laid before the Senate the following:

*To the Senate:*

In compliance with the request of the Senate, to make inquiry into the condition of the various committee rooms, the Doorkeeper respectfully reports that three rooms above and three below stairs are now occupied as committee rooms; of the remaining rooms, the Governor occupies three and the Adjutant General one, none of which can be had for the use of the Senate during the present session.

W. H. MONTGOMERY,

*Doorkeeper of Senate.*

On motion by Mr. Wolfe,

The communications were laid on the table.

On motion by Mr. Landers,  
Mr. Hord was added to the Committee on Military Affairs.

On motion by Mr. Landers,  
The Senate adjourned.

FRIDAY, 9 O'CLOCK, A. M., }  
January 23, 1863. }

Senate met and was called to order by the President.

The journal of the preceding day was read and approved.

Mr. Wolfe asked and obtained leave of absence for Mr. Hoagland until Tuesday.

Mr. Williams asked and obtained leave of absence for Mr. Cobb until Tuesday.

Mr. Moore submitted the following report, which was concurred in by the Senate:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the following claims, to-wit:

INDIANAPOLIS, January 19, 1863.

*Senate of Indiana to H. H. Dodd & Co., Dr.:*

To register of bills received ..... \$10 00

INDIANAPOLIS, January 13, 1863.

*Senate of Indiana to H. H. Dodd & Co., Dr.:*

Register of bills ..... \$10 00



INDIANAPOLIS, January 9, 1863.

*Indiana Senate, for Secretary:*

Bought of M. H. Good, six pieces of narrow ribbon..... \$2 10

INDIANAPOLIS, January 16, 1863.

*State of Indiana, by J. H. Vawter, to Wm. Braden, Dr.:*

To one inkstand, for use of President of the Senate..... \$1 25

INDIANAPOLIS, January 12, 1863.

*Ind. State Senate, by J. H. Vawter, to Wm. Braden, Dr.:*

To one blank book of two quires..... 60 cts.

INDIANAPOLIS, January 16, 1863.

*Indiana Senate, by J. H. Vawter:*

Bought of J. H. Vajen, one mallet..... 60 cts.

do do do one chisel and handle..... 30 cts.

---

90 cts.

Have had the same under consideration, and said committee instruct me to report the same back to the Senate, and recommend that it be referred to the Committee on Finance, and that said claims be allowed.

GEORGE W. MOORE,  
*Chairman.*

Mr. Shields submitted the following:

MR. PRESIDENT:

I am directed by the Committee on Elections to report back the accompanying joint resolution of the Senate:

Joint resolution No. 2. A joint resolution proposing an amendment to the second section of article second of the Constitution, so that the Legislature may more effectually guard against fraudulent voting;

Without amendment, and recommend its passage.

Mr. March moved to concur in the report of the committee,  
Which was agreed to.

On motion of Mr. March,

The order of business was suspended, and the Senate joint resolution No. 2 was read a third time.

The question being, shall the joint resolution pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hartley,	Pleak,
Bearss,	Downey,	Hoagland,	Ray,
Beeson,	Dunning,	Hord,	Reed,
Bradley,	Ferguson,	Jenkins,	Shields,
Browne of R.,	Finch,	Landers,	Teegarden,
Claypool,	Fuller,	McClurg,	Williams,
Davis of Parke,	Gaff,	March,	Wilson,
Davis of Cass,	Gifford,	Marshall,	Wolfe, and
Dickinson,	Grubb,	Murray,	Wright—35.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs. Johnson and Moore—2.

Mr. Corbin was excused from voting.

So the joint resolution passed.

Mr. Hoagland asked and obtained leave of absence for Mr. Bearss until Tuesday.

Mr. Reed submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 12, being "A bill requiring Railroad Companies in the State of Indiana, to keep on hand, and furnish, on reasonable notice being given by persons offering to ship live stock or other freights over their railroads, or to or from any place of shipment thereon, a sufficient number of locomotives, freight cars and other rolling stock, to transport such freights, without delay, and making companies failing to furnish transportation, liable for damages resulting from such failure," have had the same under consideration, and direct me to report the same back to the Senate, and recommend its passage.

Mr. Shields offered the following, which was rejected :

WHEREAS, A resolution of the Senate, instructing the Committee on Elections to inquire into the constitutional eligibility of John H. Baker to a seat in this General Assembly, while holding a lucrative office or appointment under the authorities of this State; and,

WHEREAS, It has been charged, on this floor, that the said John H. Baker did at the time, and subsequent to his election, hold a lucrative office or appointment under the authorities of this State; and,

WHEREAS, In order to fulfill the duties enjoined upon the Committee on Elections by the Senate; therefore,

*Resolved*, That said committee have power to send for persons or papers to ascertain the facts of the case, and that they withhold any action in the contested case of Baker and Murray until such facts are ascertained.

Mr. Pleak offered the following, which was rejected :

*Resolved*, That the Committee on Education be instructed to inquire into the expediency of introducing a bill to authorize teachers of public schools to use the rod-of-correction in their respective schools, where it is necessary, for the more complete government of the same, under the same restriction of law that parents govern their children.

Mr. Berry offered the following resolution, which was adopted :

*Resolved*, That the doorkeeper be directed, while procuring postage stamps for the members, to procure an equal amount of stamps for the principal doorkeeper and assistant doorkeeper.

On motion by Mr. Ray,

The Committee on the Judiciary was authorized to employ a clerk.

Mr. Wolfe offered the following, which was adopted :

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of passing a law declaring libel, slander and bastardy, misdemeanors, and providing punishment therefor, and report by bill or otherwise.

Mr. Murray offered the following:

WHEREAS, His Excellency, Governor Morton, in his annual message, informs the Legislature that the tax levied and collected from that class of the citizens of this State who were conscientiously opposed to bearing arms, was levied and collected without law under the Constitution of this State, and without authority from the General Government; and

WHEREAS, said tax was paid by members of some christian denominations, and refused to be paid by those of other, and hence unequal in its operation; therefore,

*Resolved*, That the Committee on the Judiciary be and they are hereby instructed to inquire into the expediency of reporting a bill to this Senate, providing for the return of said tax to those from whom it was taken.

On motion by Mr. Bearss,  
It was laid on the table.

Mr. New offered the following resolution, which was adopted:

*Resolved*, That 5,000 copies of the message of his Excellency, Governor Morton, and 1,000 copies of each of the accompanying documents, be printed for the use of the Senate, 1,000 copies of the message be printed in the German language.

Mr. Landers moved to refer the resolution to the Committee on Printing.

On motion by Mr. New,  
This motion was laid on the table.

The resolution was then adopted.

Mr. Beeson offered the following, which lies over one day under the rule:

*Resolved*, That the rules of the Senate be so changed that resolutions of the Senate will not be in order, except on Saturdays of each week.

Mr. Browne of Randolph offered the following resolution, which was adopted:

*Resolved*, That the Doorkeeper of the Senate is hereby instructed to procure for the appointees of the principal and assistant Secretaries of the Senate, three dollars worth of postage stamps.

Mr. Wolfe introduced

Senate bill No. 25. A bill to amend the first section of "An act to organize a supreme court, and prescribing certain duties of the judges thereof," approved May 13, 1852, and to district the State for the purpose of electing five judges of the supreme court;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Beeson introduced

Senate bill No. 26. "An act to amend the twelfth section of an act touching the relation of guardian and ward," approved June 9, 1852;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Shields introduced

Senate bill No. 27, entitled "A bill to amend the first and to repeal the second section of an act entitled an act to provide for the election of trustees and commissioners for the benevolent institutions of the State, and prescribing some of the duties of such officers," approved March 5, 1859;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Downey introduced

Senate bill No. 28, entitled an act in addition to the first section of an act passed in 1861, entitled an act to amend the second section of an act entitled an act to amend the 207th and 208th sections of an act entitled an act to revise, simplify, and abridge the rules, practice, and forms, in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, so as to authorize a change of venue in certain cases, approved March 5, 1859, and to make additional provisions on the same subject;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Dickinson introduced

Senate bill No. 29. An act to amend section 15 of an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children, approved May 6, 1852, so that execution may issue against the body of the father thereof when he is not in custody;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Gaff introduced

Senate bill No. 30. A bill to provide for the erection and repair of any bridge across a stream forming the boundary line between two counties, and to repeal all laws inconsistent therewith;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Landers introduced

Senate bill No. 31. "An act fixing the amount to be paid by persons claiming exemption from militia duty, and providing the means for collecting the same;"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. New introduced

Senate bill No. 32. "A bill to provide for the publication of notice of the pendency of suits as against defendants whose residence is unknown;"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. March introduced

Senate bill No. 33, entitled a bill prescribing the form of deed that may be used by sheriffs and coroners, providing for the record of executions and returns in certain cases, its use as evidence, and fees for recording;

Which was read a first time, and passed to a second reading on to-morrow.



Mr. Hord introduced

Senate bill No. 34. "An act to amend the 71st section of an act entitled 'An act providing for the election and qualification of justices of the peace, and defining the jurisdiction, powers, and duties, in civil cases,' " approved June 9, 1852, as amended by an act approved March 5, 1859;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Ferguson introduced

Senate bill No. 35, entitled a bill to amend section one of an act entitled "An act defining what shall constitute certain felonies, and fixing the penalties therefor," approved May 31, 1861;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. March introduced

Senate bill No. 36, entitled "An act to amend the 1st, 11th, and 12th sections of an act entitled 'an act to exempt property from sale in certain cases,' " approved March 17, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Williams,

The regular order of business was suspended, and the following message from the House taken up.

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives has passed the following resolution, to-wit:

*Resolved*, That the Senate and House of Representatives shall, upon the passage of this resolution by either House, proceed immediately thereupon to choose three persons to act as Commissioners of the Sinking Fund, and that two persons shall be chosen on the part of the House, and two other persons shall be chosen on the part of the Senate, to act as Directors on the part of the State of the Bank of the State of Indiana; and a similar action on the part of the Senate is respectfully requested.

On motion by Mr. Dunning,

(Mr. Ray in the chair.)

The resolution contained in the message of the House was concurred in.

The President *pro tem.* announced nominations to be in order.

Mr. Shields nominated Samuel P. Mooney, of Jackson county.

Mr. March nominated John F. Carr, of Jackson county.

No other nominations being made, the result of the first ballot was as follows :

THOSE WHO VOTED FOR SAMUEL P. MOONEY WERE—

Messrs.	Dunning,	Hord,	Moore,
Bradley,	Ferguson,	Jenkins,	Ray,
Brown of Wells,	Finch,	Johnson,	Shields,
Corbin,	Fuller,	Landers,	Williams,
Davis of Cass,	Gaff,	McClurg,	Wilson, and
Douglass,	Gifford,	Marshall,	Wolfe—25.
Downey,	Hartley,		

THOSE WHO VOTED FOR JOHN F. CARR WERE—

Messrs.	Claypool,	March,	Reed,
Beeson,	Dickinson,	Melletts,	Teegarden, and
Berry,	Grubb,	New,	Wright—14.
Browne of R.,	Mansfield,	Pleak,	

Samuel P. Mooney having received a majority of all the votes cast, was duly elected to serve as Sinking Fund Commissioner for the term prescribed by law.

Nominations for another Commissioner being next in order,

Mr. Dunning nominated Dillard Rickets.

Mr. Berry nominated Jefferson Helms, of Rush county.

No other nominations being made, the result of the ballot was as follows :

## THOSE WHO VOTED DILLARD RICKETS WERE—

Messrs.	Dunning,	Hord,	Moore,
Bradley,	Ferguson,	Jenkins,	Ray,
Brown of Wells,	Finch,	Johnson,	Shields,
Corbin,	Fuller,	Landers,	Williams,
Davis of Cass,	Gaff,	McClurg,	Wilson, and
Douglass,	Gifford,	Marshall,	Wolfe—25.
Downey,	Hartley,		

## THOSE WHO VOTED FOR JEFFERSON HELMS WERE—

Messrs.	Claypool,	March,	Reed,
Beeson,	Dickinson,	Melletts,	Teegarden, and
Berry,	Grubb,	New,	Wright—14.
Browne of R.,	Mansfield,	Peak,	

Dillard Rickets having received a majority of all the votes given, was thereupon, by the President of the Senate, declared duly elected a Commissioner of the Sinking Fund for the term prescribed by law.

Nominations for another Commissioner being in order,

Mr. Landers nominated Parmenter M. Parks, of Morgan county.

Mr. March nominated William Williams, of Kosciusko county!

No other nominations being made, the result of the ballot was as follows:

## THOSE WHO VOTED FOR PARMENTER M. PARKS WERE—

Messrs.	Dunning,	Hord,	Moore,
Bradley,	Ferguson,	Jenkins,	Ray,
Brown of Wells,	Finch,	Johnson,	Shields,
Corbin,	Fuller,	Landers,	Williams,
Davis of Cass,	Gaff,	McClurg,	Wilson, and
Douglass,	Gifford,	Marshall,	Wolfe—25.
Downey,	Hartley,		

## THOSE WHO VOTED FOR WILLIAM WILLIAMS WERE—

Messrs.	Claypool,	March,	Reed,
Beeson,	Dickinson,	Melletts,	Teegarden, and

Berry,	Grubb,	New,	Wright—14.
Browne of R.,	Mansfield,	Pleak,	

Parmenter M. Parks having received a majority of all the votes cast, was, by the President of the Senate, thereupon declared duly elected a Commissioner of the Sinking Fund for the time prescribed by law.

Nominations for a Director of the Bank of the State being next in order,

Mr. Dunning nominated Ransom W. Aiken, of Sullivan county.

Mr. Browne of Randolph nominated Charles Coffin, of Wayne county.

No other nominations being made, the result of this ballot was as follows:

THOSE WHO VOTED FOR RANSOM W. AIKEN WERE—

Messrs.	Dunning,	Hord,	Moore,
Bradley,	Ferguson,	Jenkins,	Ray,
Brown of Wells,	Finch,	Johnson,	Shields,
Corbin,	Fuller,	Landers,	Williams,
Davis of Cass,	Gaff,	McClurg,	Wilson, and
Douglass,	Gifford,	Marshall,	Wolfe—25.
Downey,	Hartley,		

THOSE WHO VOTED FOR CHARLES COFFIN WERE—

Messrs.	Claypool,	March,	Reed,
Beeson,	Dickinson,	Melletts,	Teegarden, and
Berry,	Grubb,	New,	Wright—14.
Browne of R.,	Mansfield,	Pleak,	

Ransom W. Aiken having received a majority of all the votes cast, was declared duly elected a Director of the Bank of the State for the time prescribed by law.

Nominations for another Director being in order,

Mr. Williams nominated Addison L. Roache.

Mr. March nominated John S. Bobbs, of Marion county.

No other nominations being made, the result of this ballot was as follows:

THOSE WHO VOTED FOR ADDISON L. ROACHE WERE—

Messrs.	Dunning,	Hord,	Moore,
Bradley,	Ferguson,	Jenkins,	Ray,
Brown of Wells,	Finch,	Johnson,	Shields,
Corbin,	Fuller,	Landers,	Williams,
Davis of Cass,	Gaff,	McClurg,	Wilson, and
Douglass,	Gifford,	Marshall,	Wolfe—25.
Downey,	Hartley,		

THOSE WHO VOTED FOR JOHN S. BOBBS WERE—

Messrs.	Claypool,	March,	Reed,
Beeson,	Dickinson,	Melletts,	Teegarden, and
Berry,	Grubb,	New,	Wright—14.
Browne of R.,	Mansfield,	Pleak,	

Addison L. Roache having received a majority of all the votes cast, was declared duly elected for the time prescribed by law.

Mr. Downey introduced

Senate bill No. 37. An act to amend the twentieth, the twenty-first, and twenty-second sections of the act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, "approved March 5, 1859, and to make additional provisions on the same subject."

Which was read a first time, and passed to a second reading on to-morrow.

A message from the House:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate of the adoption of the following resolution:

*Resolved*, That the Clerk inform the Senate that, in pursuance of a concurring resolution of both Houses, the House has by a

*viva voce* vote elected separately, Samuel P. Mooney of the county of Jackson, and Dilliard Ricketts of the county of Clark, to serve for the term of four years, and Parmenter M. Parks of the county of Morgan, to serve for the term of two years as Commissioners of the Sinking Fund.

Mr. Gifford introduced

Senate bill No. 38. Entitled an act authorizing the sale of canals, authorizing the purchaser or purchasers, and his or their assigns, to organize companies, and fixing the powers of such companies.

Which was read a first time, and

On motion by Mr. Claypool,

One hundred copies were ordered to be printed for the use of the Senate.

Mr. March introduced

Senate bill No. 39. Entitled "an act to amend the third section of an act entitled an act prescribing the powers and duties of justices of the peace in State prosecutions," approved May 29, 1852.

Which was read a first time, and passed to a second reading.

On motion by Mr. Dickinson,

The Senate adjourned.

2 o'clock, P. M.

Senate met.

Mr. Shields asked and obtained leave of absence for Mr. Hartley until next Monday.

Mr. Douglass introduced

Senate bill No. 40. "An act to amend section one of an act



entitled an act to provide for a general system of common schools, the officers thereof, and their respective duties and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith," approved March 11, 1861.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Berry introduced Senate bill No. 41, entitled "an act to amend section 11 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent herewith," approved March 11, 1861 ;

Which was read a first time, and passed to a second reading on to-morrow.

The resolution of Mr. Browne of Randolph, concerning the abolishing of the Courts of Common Pleas, &c., coming up in order,

The question being, on motion, to refer the same with sundry instructions to the necessary committee,

Mr. Johnson called for a division of the question.

The first question being on the motion to refer the resolution to the Committee on the Judiciary,

Which was agreed to.

Mr. March and Mr. New's instructions, heretofore offered, were agreed to.

On motion of Mr. Johnson,

The committee was farther instructed as follows :

Amend so as to direct the committee to inquire into the expediency of organizing the Circuit Courts so as to hold four terms each year—two for the trial of felonies, and doing the probate business, and the making up of issues in civil causes—the other two for the trial of civil causes.

Mr. Ferguson moved to further instruct the committee as follows :

S. J.—11

To inquire into the expediency of creating the office of Surrogate for each county, without salary other than the fees fixed by law, to have jurisdiction of probate matters, and to be kept open at all times for the transaction of business.

Mr. Wolfe's resolution, submitted some days since, that when a resolution, motion, or other matter is offered for the consideration of the Senate, and is decided out of order, the same shall not appear upon the Journal, unless by the special order of the Senate, coming up in order,

Was agreed to.

The House resolution, instructing our Senators in Congress concerning the pay of army officers, was called up by Mr. Landers.

The question being on the motion to lay on the table an amendment offered by Mr. Browne of Randolph,

The ayes and noes having been demanded thereon,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Johnson,	Pleak,
Brown of Wells,	Fuller,	Landers,	Ray,
Corbin,	Gaff,	March,	Shields, and
Culver,	Jenkins,	Moore,	Wolfe—16.
Davis of Cass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Dickinson,	Hord,	Reed,
Beeson,	Downey,	McClurg,	Teegarden,
Berry,	Dunning,	Mansfield,	White,
Bradley,	Finch,	Marshall,	Williams, and
Browne of R.,	Gifford,	Melletts,	Wright—22.
Campbell,	Grubb,	Murray,	

So the motion was rejected.

The question recurring on Mr. Browne of Randolph's amendment, pending on the 15th inst., at the time of adjournment,

Mr. Brown of Wells moved to amend the amendment as follows:

Amend by striking out all that relates to commissioned officers,

and by inserting in the proper place an instruction to reduce the pay of commissioned officers to such an extent as will equalize the pay of officers and privates.

Which Mr. Browne of Randolph accepted.

On motion by Mr. March,

The resolution and amendments were referred to a committee of three, which the President *pro tem* (Mr. Wolfe being in the chair,) makes to consist of Messrs. March, Brown of Wells, and Browne of Randolph.

On motion by Mr. Shields,

Messrs. Ray and Landers were added to the committee.

Senate bill No. 10 was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Grubb,	Moore,
Beeson,	Dickinson,	Hord,	Murray,
Berry,	Douglass,	Jenkins,	New,
Bradley,	Downey,	Johnson,	Pleak,
Browne of R.,	Dunning,	Landers,	Reed,
Brown of Wells,	Ferguson,	McClurg,	Teegarden,
Campbell,	Finch,	Mansfield,	White,
Corbin,	Fuller,	March,	Williams,
Culver,	Gaff,	Marshall,	Wolfe, and
Davis of Parke,	Gifford,	Mellet,	Wright—39.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs. Shields—1.

So the bill passed.

Senate bill No. 17 was read a second time, and referred to the Judiciary Committee.

Senate bill No. 18 was read a second time, and referred to the Committee on Roads.

Senate bill No. 19 was read a second time, and ordered to be engrossed for a third reading.

Senate bill No. 20 was read a second time, and referred to the Committee on Corporations.

Senate bill No. 21 was read a second time, and was referred to the Committee on Finance.

Senate bill No. 22 was read a second time, and ordered to be engrossed for a third reading.

#### MESSAGES FROM THE HOUSE.

MR. PRESIDENT :

I am directed to inform the Senate that the House of Representatives has concurred in the accompanying concurrent resolutions of the Senate, returning thanks to General Rosecrans and others for their gallant conduct at the late battle of Murfreesboro :

*Resolved*, (by the Senate, the House concurring), That the thanks of this General Assembly are hereby tendered to Major General Rosecrans and the officers and soldiers under his command, for the well-earned victory of Murfreesboro, Tenn.; that they, one and all, merit the lasting gratitude of the nation and the admiration of the world.

*Resolved*, That the patriotic earnestness, skill, sleepless vigilance and pertinacity displayed by the Commanding General in his advance upon the enemy, his plan of battle, and especially in promptly meeting the exigencies of its varying fortunes, prove that he was the right man in the right place; that the hearty and prompt co-operation, the gallantry and skill of his division and other commanders, the ready obedience, unyielding and hardy courage of the soldiers, are worthy of the highest commendation.

*Resolved*, That the Army of the Cumberland, Murfreesboro, and the name of each fallen and surviving patriot-soldier who took part in the perilous struggle, are forever linked together in historic renown, and Indiana will preserve and gratefully cherish their memory to the latest generations as among the brightest jewels of an undivided republic.

*Resolved*, That the Secretary of the Senate be directed to forward a copy of these resolutions to Major General Rosecrans, with the request that they be read at the head of each regiment taking part in the great battle, if consistent with the rules of military propriety and discipline.

MR. PRESIDENT :

I am directed to inform the Senate that the House of Representatives has concurred in the election of Ransom W. Aiken, of the County of Sullivan, and Addison L. Roache, of the county of Marion, as Bank Directors for the "Bank of the State of Indiana," on the part of the Senate.

On motion by Mr. Dunning,  
The Senate took up the following message from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House of Representatives has passed the following resolution, to-wit :

*Resolved*, That the clerk inform the Senate that in pursuance of a concurring resolution of both Houses, the House of Representatives has, by a *viva voce* vote, elected separately Andrew Humphreys, of the county of Greene, and Samuel C. Willson, of the county of Montgomery, on the part of the House, as Bank Directors for the "Bank of the State of Indiana."

In which the concurrence of the Senate is respectfully requested.

Mr. Dunning moved that the Senate now proceed to elect the gentleman named first in the message of the House as Bank Director by a *viva voce* vote,

Which was adopted.

Mr. March nominated Miles Murphy.

Mr. Dunning nominated Andrew Humphreys, of Greene county.

No other nominations being made, the result of the ballot was as follows :

## THOSE WHO VOTED FOR ANDREW HUMPHREYS WERE—

Messrs.	Dunning,	Hord,	Moore,
Bradley,	Ferguson,	Jenkins,	Ray,
Brown of Wells,	Finch,	Johnson,	Shields,
Davis of Cass,	Fuller,	Landers,	Williams, and
Douglass,	Gaff,	McClurg,	Wolfe—26.
Downey,	Gifford,	Marshall,	

## THOSE WHO VOTED FOR MILES MURPHY WERE—

Messrs.	Culver,	March,	Reed,
Beeson,	Davis of Parke,	Melletts,	Teegarden,
Berry,	Dickinson,	Murray,	White, and
Browne of R.,	Grubb,	New,	Wright—18.
Campbell,	Mansfield,	Pleak,	

Andrew Humphreys, having received a majority of all the votes given, the President *pro tem.* declared that the Senate has concurred in the election of Andrew Humphreys made by the House.

Mr. Dunning moved to proceed to elect the gentleman named second in the message of the House as Bank Director, by a *viva voce* vote,

Which was adopted.

Mr. Dunning nominated Samuel C. Wilson, of Montgomery county.

Mr. Teegarden nominated Wm. C. Hanna, of Laporte county.

No other nominations being made, the result of the ballot was as follows :

## THOSE WHO VOTED FOR SAMUEL C. WILSON WERE—

Messrs.	Downey,	Gifford,	Marshall,
Bradley,	Dunning,	Hord,	Moore,
Brown of Wells,	Ferguson,	Jenkins,	Ray,
Corbin,	Finch,	Johnson,	Shields,
Davis of Cass,	Fuller,	Landers,	Williams, and
Douglass,	Gaff,	McClurg,	Wolfe—23.



THOSE WHO VOTED FOR WILLIAM C. HANNA WERE—

Messrs.	Culver,	March,	Reed,
Beeson,	Davis of Parke,	Melletts,	Teegarden,
Berry,	Dickinson,	Murray,	White, and
Browne of R.,	Grubb,	New,	Wright—18.
Campbell,	Mansfield,	Pleak,	

Samuel C. Wilson, having received a majority of all the votes given, the President *pro tem.* declared that the Senate has concurred in the election of Samuel C. Wilson, made by the House.

Senate bill No. 23 was read a second time, and referred to the Judiciary Committee.

Senate bill No. 24 was read a second time, and referred to the Judiciary Committee.

Senate bill No. 12 was read a second time, and recommitted to the Judiciary Committee.

On motion by Mr. Johnson,  
The Senate adjourned.

SATURDAY, 9 o'clock, A. M., }  
January 24, 1863. }

The Senate met.

The Journal of yesterday was read and approved.

Mr. Wolfe submitted the following, which was concurred in.

Mr. PRESIDENT:

The Judiciary Committee, to whom was referred a resolution inquiring into the expediency of declaring libel, slander and bastardy, misdemeanors, and providing punishment therefor, have had the subject under consideration, and direct me to report that it would be inexpedient to pass such a law on the subject of libel and slan-

der; but that in consequence of a recent decision of the supreme court, it is expedient to pass such a law on the subject of bastardy, said committee have therefore directed me to report the following bill and recommend its passage;

Senate bill No. 42. "A bill defining the offense of bastardy, and prescribing the punishment therefor;"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Downey submitted the following, which was concurred in:

MR. PRESIDENT:

The Judiciary Committee, to which was referred the resolution instructing them to inquire whether or not sufficient power is given by the Constitution to the Legislative branches of the State Government to compel the attendance of their members; if not, whether or not an amendment or amendments to the Constitution conferring such power be advisable; or if such power is given by the Constitution, whether or not any legislation, in pursuance thereof, is needed, &c.; have had the same under consideration and have directed me to report that they are of opinion that, under the Constitution of the State, each house has power to compel the attendance of its absent members, under such regulations as it may at the time adopt, without the concurrence then, or previously, of the other, and that the enactment of a law on that subject was not contemplated by the framers of the Constitution, and is unnecessary.

Mr. Wolfe, from the Judiciary Committee, submitted the following, which was concurred in:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred accompanying resolution, inquiring into the expediency of abolishing the office of Attorney General, have had the same under consideration, and have directed me to report that inasmuch as there is now a bill before the Senate on that subject, it is unnecessary to take further action on said resolution at this time.

Mr. New offered the following resolution, which was adopted.

*Resolved*, That the Superintendent for educating the deaf and

dumb, and the Superintendent of the Institution for the blind, be each requested to give at such time and place, during the present session, as may be most convenient for them, an exhibition of the methods of instruction, and of the improvement of their pupils, for the benefit of the members of the General Assembly.

Mr. Beeson asked and obtained leave of absence for Mr. Mansfield until Monday afternoon.

Mr. Browne of Randolph asked and obtained leave of absence for Mr. Reed, on account of sickness.

Mr. Brown of Wells introduced

Senate bill No. 43. An act to make Gavin and Hord's printed edition of the Statute evidence in all courts and places of the acts therein contained;

Which was read a first time.

Mr. Brown of Wells moved to suspend the rules and read the bill a first second by its title.

The ayes and noes being taken under the constitution,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Grubb,	New,
Beeson,	Douglass,	Hord,	Pleak,
Berry,	Downey,	Jenkins,	Ray,
Bradley,	Dunning,	Johnson,	Shields,
Browne of R.,	Ferguson,	Landers,	Teegarden,
Brown of Wells,	Finch,	McClurg,	Williams,
Campbell,	Fuller,	March,	Wilson,
Corbin,	Gaff,	Marshall,	Wolfe, and
Culver,	Gifford,	Moore,	Wright—36.

Noes—None.

So the rules were suspended, and the bill read a second time by title only.

Mr. Wolfe moved to amend by inserting the words "*prima facie*" before the word evidence.

On motion by Mr. Johnson,

The bill and amendments were referred to the Judiciary Committee.

Mr. Shields introduced

Senate bill No. 44, entitled "A bill supplemental to 'An act to enforce the thirteenth article of the Constitution,'" approved June 18, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Beeson introduced

Senate bill No. 45. "An act to amend the second section of an act in relation to County Auditors," approved May 31, 1854;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hord introduced

Senate bill No. 46, entitled "An act to amend section six of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and form in criminal actions in the courts of this State," approved June 17, 1852.

Mr. Shields offered the following:

*Resolved*, That the Committee on County and Township Business be authorized to inquire into the propriety of requiring the county treasurer to employ and keep deputies in each township, for the purpose of receiving the State, county, and all other revenue.

On motion by Mr. Moore,

The resolution was amended as follows:

"That each tax payer, at the time of paying his tax, shall make out a schedule of his taxable property, and hand it in to the collector at the time of paying his tax, or at some subsequent time on or before the first day of June.

The resolution, as amended, was adopted.

Mr. Landers offered the following, which was adopted:

*Resolved*, That when the Senate adjourns, it will adjourn to meet next Monday at 2 o'clock, P. M.

Mr. Brown of Wells moved to reconsider the vote on this resolution.

On motion by Mr. Shields,  
This motion to reconsider was laid on the table.

Mr. Campbell asked and obtained leave of absence for Mr. Davis of Parke, until Tuesday.

Mr. March asked and obtained leave of absence for Mr. Beeson until Tuesday.

Senate bill No. 25 was read a second time and referred to the Committee on the Organization of Courts.

Senate bill No. 26 was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 27 was read a second time, and referred to the Committee on Benevolent Institutions.

Senate bill No. 28 was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 29 was read a second time, and referred to the Judiciary Committee.

Senate bill No. 30 was read a second time, and referred to a select committee of five.

The President makes the committee to consist of Messrs. Downey, Gaff, Wolfe, Jenkins, and Corbin.

Senate bill No. 31 was read a second time, and referred to the Committee on Military Affairs.

Senate bill No. 32 was read a second time, and was referred to the Judiciary Committee.

Senate bill No. 33 was read a second time, and referred to the Judiciary Committee.

Senate bill No. 34 was read a second time, and referred to the Judiciary Committee.

Senate bill No. 35 was read a second time, and referred to the Judiciary Committee.

Senate bill No. 36 was read a second time.

Mr. Johnson offered the following amendment :

Amend by adding the following section :

*“ Provided, however, that where there is any doubt as to the amount of property in value, owned by each the plaintiff and defendant, it shall be the duty of the sheriff or constable to make out an inventory and valuation of the property of both the plaintiff and defendant, and if it shall appear upon such inventory and valuation, that the defendant is the owner of more property in value than the plaintiff, then no exemption shall be allowed.”*

On motion by Mr. March,

The bill and the amendment were referred to the Judiciary Committee.

Senate bill No. 37 was read a second time, and referred to the Committee on Roads.

On motion by Mr. Gifford,

Senate bill No. 38 was taken from the table and read a second time, and referred to a select committee.

Mr. March offered the following, which was also referred to said committee :

*“Amend by providing that the Wabash and Erie canal shall be exempt from the provisions of this act.”*

Senate bill No. 39 was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 40 was read a second time, and referred to the Committee on Education.

Senate bill No. 41 was read a second time, and referred to the Committee on Education.

The President makes the select committee, to whom was referred Senate bill No. 38 to consist of Messrs. Gifford, Gaff, Claypool, Beeson, Berry, Reed, Campbell, and Culver.



On motion by Mr. Browne of Randolph,

The Senate adjourned.

MONDAY, 2 o'clock, P. M., }  
January 26, 1863. }

The Senate met.

The Journal of Saturday was read and approved.

Mr. March presented a memorial from D. R. Martin, a stockholder in the Lawrenceburg branch of the Bank of the State of Indiana, making complaints against the management, &c., of said branch ;  
Which was read.

Mr. Browne of Randolph, moved the adoption of the following resolution :

*Resolved by the Senate, (the House of Representatives concurring therein,) That the memorial of D. R. Martin, in relation to the condition of the Lawrenceburg branch of the Bank of the State of Indiana, be referred to a select committee of two on the part of the Senate, and three on the part of the House of Representatives, with power to investigate the facts of the case, and to report what legislation may be necessary to remedy the evil.*

On motion by Mr. Claypool,

The resolution was amended by changing the reference from a select committee to the Committee on Banks.

The resolution, as amended, was adopted.

Mr. Downey submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to which was referred Senate bill No.

11, entitled a bill repealing the sixth section of an act entitled "an act to revise, simplify and abridge the rules, pleadings and forms in civil cases, &c." have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that it be laid upon the table ;

Which was concurred in.

Mr. Wolfe submitted the following report, which was concurred in.

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 5, introduced by Mr. Dickinson, have had the same under consideration, and have directed me to report that the proposed act is inexpedient, for the reason that the act on page 126 of the Acts of 1857 substantially covers the subject-matter of said bill ; the committee therefore recommend that said bill lie upon the table.

Mr. Ray offered the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 8, entitled "a bill to repeal an act entitled an act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana," approved February 21, 1855, and fixing the time when this act shall take effect, have had the same under consideration, and instruct me to report the same back to the Senate with the recommendation that it lie on the table ;

Which was concurred in.

Mr. McClurg submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 35, entitled "a bill to amend section 1 of an act entitled an act defining what shall constitute certain felonies, and fixing the penalties therefor," approved May 31, 1861, have had the same under consideration, and instruct me to report said bill back to the Senate, and recommend its passage.

The report was concurred in.

Mr. Claypool submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 2, being a bill to authorize the Board of Commissioners of the several counties of the State of Indiana, and the authorities of any incorporated city or town in said State to make appropriations for the protection and maintenance of the families of volunteers, and for the encouragement of volunteers, and to provide for wounded and disabled soldiers, and for the disinterring, transportation, and interring of the bodies of deceased soldiers, and for the erecting of monuments to their memories, and to make appropriations for the purchase of arms and equipments for the raising and maintaining of military companies for home defense or for State or United States' service, and for such other necessary expenditure for their respective counties, cities, and towns, as the exigencies of the times may require, and to empower the county board, and authorities of the incorporated towns and cities to make regulations for disbursement of the same, to legalize any appropriation heretofore made, and to authorize a special tax for the payment of same," have had the same under advisement, and have instructed me to report the same back with a recommendation that the same lie on the table, as the law now in force on the subject matter of said bill is ample for all necessary purposes, and that no further legislation is needed on the subject matter of said bill.

Which was concurred in.

Mr. Claypool submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 28, being a bill in addition to the first section of an act passed in 1861, entitled an act to amend the second section of an act entitled an act to amend the two hundred and seventh and two hundred and eighth sections of an act entitled an act to revise, simplify, and abridge the rules, practice and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize a change of venue in cer-

tain cases, approved March 5, 1859, and to make additional provisions on the same subject, have had the same under advisement, and have instructed me to report the same back to the Senate and recommend its passage.

Which was concurred in.

Mr. Browne of Randolph submitted the following:

MR. PRESIDENT:

The Committee on the Judiciary, to which was referred Senate bill No. 32, "a bill to provide for the publication of notice of pendency of suits as against defendants whose residence is unknown," have had the same under consideration, and have instructed me to report the same back with certain amendments, and when so amended, the committee recommend the passage of the bill:

Amend the first section of the bill by striking out from the fourth and fifth lines the words "by return of the sheriff to the summons issued in any suit or," and by adding after the word unknown, in the seventh line, these words, "and that diligent inquiry had been made to ascertain the residence of such defendant."

The amendments were severally concurred in by the Senate, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Brown of Wells introduced

Senate bill No. 47. "An act to fix the times of holding the Courts of Common Pleas in the Twentieth Judicial District of the State of Indiana, and repealing former laws on the subject, and declaring when this act shall take effect."

Which was read a first time.

Mr. Brown of Wells moved to suspend the rules, and read the bill a second time now.

The ayes and nays being taken under the constitution,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Hord,	New,
Beeson,	Dickinson,	Jenkins,	Pleak,

Berry,	Douglass,	Johnson,	Ray,
Blair,	Downey,	Landers,	Teegarden,
Bradley,	Dunning,	McClurg,	White,
Browne of R.,	Ferguson,	March,	Williams,
Brown of Wells,	Finch,	Marshall,	Wilson,
Campbell,	Fuller,	Melletts,	Wolfe, and
Claypool,	Gifford,	Moore,	Wright—38.
Corbin,	Graves,	Murray,	

Nays none.

So the rules were suspended, and the bill read a second time now.

Mr. Brown of Wells moved a further suspension of the rules, and that the bill be considered as engrossed, and read a third time now.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Hord,	New,
Beeson,	Dickinson,	Jenkins,	Pleak,
Berry,	Douglass,	Johnson,	Ray,
Blair,	Downey,	Landers,	Teegarden,
Bradley,	Dunning,	McClurg,	White,
Browne of R.,	Ferguson,	March,	Williams,
Brown of Wells,	Finch,	Marshall,	Wilson,
Campbell,	Fuller,	Melletts,	Wolfe, and
Claypool,	Gifford,	Moore,	Wright—38.
Corbin,	Graves,	Murray,	

Nays none.

So the rules were suspended, and the bill read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Hord,	New,
Beeson,	Dickinson,	Jenkins,	Pleak,
Berry,	Douglass,	Johnson,	Ray,

Blair,	Downey,	Landers,	Teegarden,
Bradley,	Dunning,	McClurg,	White,
Browne of R.,	Ferguson,	March,	Williams,
Brown of Wells,	Finch,	Marshall,	Wilson,
Campbell,	Fuller,	Mellet,	Wolfe, and
Claypool,	Gifford,	Moore,	Wright—38.
Corbin,	Graves,	Murray,	

Nays none.

So the bill passed.

*Ordered*, That the Secretary inform the House of the passage thereof.

Mr. Browne of Randolph submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to which was referred Senate bill No. 3, "a bill amending the 103d section of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852, have had the same under consideration, and having been unable to agree upon the propriety of the legislation contemplated by the bill, have directed me to report the bill back to the Senate, without amendment or recommendation, for its further action.

Mr. Ray moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Ray and Browne of Randolph.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Jenkins,	Murray,
Bradley,	Dunning,	Johnson,	Ray,
Brown of Wells,	Ferguson,	Landers,	Teegarden,
Campbell,	Finch,	March,	Wolfe, and
Claypool,	Gifford,	Marshall,	Wright—22.
Corbin,	Hord,	Mellet,	



## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Graves,	Pleak,
Beeson,	Dickinson,	McClurg,	White,
Berry,	Downey,	Moore,	Williams, and
Blair,	Fuller,	New,	Wilson—15.

So Senate bill No. 3 was indefinitely postponed.

Mr. McClurg asked and obtained leave of absence for Mr. Graves for a few days, on account of sickness.

On motion by Mr. Brown of Wells,  
The Senate adjourned.

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TUESDAY, 9 o'clock, A. M., }  
January 27, 1863. }

The Senate met.

The Journal of yesterday was read and approved.

Mr. Blair presented a series of resolutions, adopted by a mass convention of Union men in Hendricks county, having reference to the State of the country, which were read and referred to the Committee on Federal Relations.

Mr. Williams, from the Committee on Finance, made the following report:

MR. PRESIDENT:

The Committee on Finance, to whom was referred Senate bill No. 21, being an act regulating the fees of officers, and repealing former acts in relation thereto, have had the same under consideration, and have directed me to report the same back to the Senate, and ask that it lie on the table.

Which was concurred in.

Mr. March, from a select committee, submitted the following :

MR. PRESIDENT :

The special committee, to whom was referred the concurrent resolution of the House in relation to the pay of officers and soldiers of the army of the United States, with proposed amendments, have had the same under consideration, and directed me to report the same back and recommend the accompanying amendment, and when so amended, recommend its passage :

Strike out all after the word "law," in the 9th line of the original resolution, and insert the following : "raising the pay of non-commissioned officers and privates at least four dollars per month, and reducing the pay of commissioned officers in such manner that the rate of compensation in the different grades of military service shall be more nearly equal to its character and value."

Mr. Claypool moved to amend by striking out of the proposed amendment all that part that refers to the reduction of the pay of the commissioned officers, and by adding, in the proper place, after the word "officers," the words, "when not in command of any force, or when unnecessarily absent from such command."

On motion by Mr. Wolfe,

The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

Mr. Bradley asked and obtained leave of absence for the Committee on Benevolent Institutions for the afternoon.

Mr. Wolfe moved to lay the amendment on the table.

On motion by Mr. Murray,  
The subject was postponed until to-morrow.

Mr. Ray offered the following :

*Resolved*, That a select committee of one from each Congressional District be appointed on the part of the Senate, to act with a like committee to be appointed on the part of the House, to prepare and present to the Senate an apportionment bill, districting the State for Representatives in the Congress of the United States.

Which was adopted.

Mr. Johnson offered the following resolution, which was adopted :

*Resolved*, That the Committee on Federal Relations be instructed to inquire into the expediency of the State of Indiana demanding of the General Government the right and privilege of collecting and paying over the amount of all Federal taxes that are now levied, or may hereafter be levied, on this State, in her own way, under her own laws, and by her own State and county officers, and report by bill or otherwise.

Mr. Williams offered the following resolution, which was adopted :

*Resolved*, That the Secretary of State be authorized to deliver sixty copies of the Geological Survey of the State of Indiana, to the Secretary of the State Board of Agriculture, for the use of the members, and for distribution among the States with whom the Board is exchanging documents.

Mr. Wolfe introduced Senate joint resolution No. 3, entitled a preamble and joint resolution on the state of the Union ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Ray offered the following, which was adopted :

*Resolved*, That a select committee of one from each Congressional District be appointed on the part of the Senate, to act with a like committee to be appointed on the part of the House, to prepare and present to the Senate an apportionment bill districting the State for State Senators and Representatives in the General Assembly.

Mr. Dickinson introduced

Senate bill No. 48. An act erecting the Fourteenth Judicial

Circuit, providing for a judge thereof, making all process returnable therewith, fixing the commencement and length of terms of courts, and attaching the county of Huntington to the 10th Judicial Circuit ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Bradley introduced

Senate bill No. 49. A bill relative to the school tax levied upon corporations, and providing the manner of distribution and loaning of the same, and other matters properly connected therewith ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wright introduced

Senate bill No. 50, entitled a bill for the relief of John B. Redd ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Williams introduced

Senate bill No. 51, entitled an act to amend the second section of an act entitled "an act relative to the salaries of public officers, providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," approved March 5, 1859 ;

Which was read the first time, and passed to the second reading on to-morrow.

Mr. March introduced

Senate bill No. 52. A bill to amend the fifty-fifth section of an act entitled "an act to amend an act to authorize and regulate the business of general banking," passed March 3, 1855 ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Culver introduced

Senate bill No. 53. An act to amend the first section of an act entitled an act to amend the sixth section of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852, which latter act was

approved February, 1862, which amendatory act was approved March 9, 1861;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Claypool introduced

Senate bill No. 54, entitled a bill regulating the bequeathing, devising and conveying property for religious or charitable purposes, and declaring an emergency therefor;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hord introduced

Senate bill No. 55. An act to amend the fourth section of an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals, approved February 16, 1852, as amended by an act approved February 14, 1855;

Which was read a first time, and passed to a second reading on to-morrow.

Senate bill No. 42 was read a second time, and recommitted to the Judiciary Committee.

Senate bill No. 44 was read a second time.

Mr. Johnson moved to amend by inserting after the word, wherever it occur, "mulatto of one-eighth or more negro blood."

On motion by Mr. Shields,

The bill and amendment were referred to the Judiciary Committee.

Senate bill No. 45 was read a second time, and ordered to be engrossed, and read a third time on to-morrow.

Senate bill No. 46 was read a second time, and referred to the Judiciary Committee.

Mr. March introduced

Senate bill No. 56, entitled a bill to amend the eighth section of an act entitled an act dividing the State into counties, defining

their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers, approved June 7, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Culver introduced

Senate bill No. 57. An act entitled an act to allow county commissioners to organize turnpike companies, where a majority of persons representing the real estate within prescribed limits petition for the same, and levy a tax for its construction, and provide for the same to be free;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Dickinson introduced

Senate bill No. 58, entitled an act to amend an act to authorize the boards of commissioners of the several counties in the State of Indiana, and the authorities of any incorporate city or town in said State, to make appropriations in certain cases, and to legalize certain appropriations therein specified, approved May 11, 1861, so as to authorize said boards to make appropriations for bounties for volunteers, disinterring, transporting and interring the bodies of deceased soldiers, and erecting monuments to their memories;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. March introduced

Senate bill No. 59. A bill fixing the amount of fees to be paid into the State Treasury, for the services of the Auditor and Secretary of State in certain cases, repealing all laws in conflict therewith, and amending the fourth section of an act supplemental to the swamp land act, approved June 14, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

A message from the House:

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives has adopted the accompanying memorial addressed to the



General Assembly of the State of New York, and respectfully to ask the consideration of the same by the Senate;

Which was read a first time, and passed to a second reading on to-morrow.

On motion of Mr. Williams,  
The Senate adjourned.

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THURSDAY, 9 o'clock, A. M., }  
January 28, 1863. }

Senate met.

The Journal of yesterday was read and approved.

Mr. Teegarden presented a petition from sundry citizens of La-porte county, praying an amendment of existing laws, so as to enforce the collection of debts at the place where they are made payable;

Which was read and referred to the Judiciary Committee.

Mr. Davis of Cass presented the following:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 15, entitled "An act authorizing Railroad Companies to make extensions or branches in certain cases," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage, with the following amendment by way of addition to the first section of said bill, viz:

After the last word of said section add, "With power to said company to subscribe and take stock in any bridge company on the route, or at the terminus of said railroad, for the use and benefit of said road;"

Which was concurred in.

Mr. Douglass submitted the following from a select committee:

MR. PRESIDENT :

The Special Committee, to which was referred the accompanying resolutions, have had the same under consideration, and beg leave to report it back, with the recommendation that it be amended by striking out the words, "two-thirds of a cent," and inserting in lieu thereof the words, "one-half a cent," and when so amended, recommend its passage.

Mr. Bearss moved to lay the report on the table.

Mr. Ray moved a division of the question.

The first question beign on laying the amendment of the committee on the table.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Brown of Wells,	Dunning,	Gifford,
Bearss,	Claypool,	Fuller,	Hartley—10.
Blair,	Downey,	Gaff,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Dickinson,	Landers,	Pleak,
Beeson,	Douglass,	McClurg,	Ray,
Berry,	Ferguson,	Mansfield,	Shields,
Browne of R.,	Finch,	March,	Teegarden,
Campbell,	Grubb,	Marshall,	White,
Cobb,	Hoagland,	Melletts,	Williams,
Corbin,	Hord,	Moore,	Wilson,
Culver,	Jenkins,	Murray,	Wolfe, and
Davis of Parke,	Johnson,	New,	Wright—36.
Davis of Cass,			

So the amendment was not laid on the table.

The question re-curring on laying the original resolution on the table, the ayes and noes were demanded by Messrs. Claypool and Beeson, which being ordered and taken, resulted, ayes 25, noes 21, as follows :

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Gifford,	Moore,
Bearss,	Claypool,	Grubb,	New,
Beeson,	Culver,	Jenkins,	Pleak,
Berry,	Davis of Parke,	Mansfield,	Teegarden,
Blair,	Dickinson,	March,	White, and
Browne of R.,	Downey,	Mellett,	Wright—25.
Brown of Wells,	Fuller,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Ferguson,	Johnson,	Ray,
Cobb,	Finch,	Landers,	Shields,
Corbin,	Gaff,	McClurg,	Williams,
Davis of Cass,	Hartley,	Marshall,	Wilson, and
Douglass,	Hoagland,	Murray,	Wolfe—21.
Dunning,	Hord,		

So the resolution was laid on the table.

Mr. Brown of Wells offered the following, which was adopted:

WHEREAS, It is especially due the people, while the burdens and sacrifices of a dire civil war are fearfully taxing their energies, that rigid investigations should be made of the official conduct of their public servants, to whom the control of public moneys may have been entrusted; and

WHEREAS, The people of the State of Indiana demand of this Legislature, a faithful and fearless discharge of such duty; therefore,

*Resolved*, That a Special Committee of five be appointed by the President of the Senate, to investigate the expenditures in the State Quarter-Master's Department; the purchase of arms by the State, and the management of the State Arsenal, and that said committee be authorized to send for persons and papers, and report the result of their investigations.

Mr. Downey offered the following resolution, which was adopted:

*Resolved*, That the Judiciary Committee be instructed to inquire whether a general law can be enacted under which the circuit and common pleas courts, in their respective circuits and districts, may

fix the times of holding the regular, as well as special terms of said courts, and that they report by bill or otherwise.

Mr. Williams offered the following, which was adopted :

*Resolved*, That the Committee on Finance be instructed to examine and report whether the \$100,000 appropriation to the Governor, as a Military Contingent Fund, has been expended in accordance with the intent and meaning of the law making said appropriation.

Mr. Corbin offered the following, which lies over under the rule for one day :

WHEREAS, The absence from the Senate of the Prison Committee, now numbering fifteen, will greatly embarrass the business of the Senate; therefore,

*Resolved*, That there be two committees appointed, one for the Northern and one for the Southern, each committee not to exceed eight in number.

Mr. Brown of Wells offered the following resolution, which was adopted :

*Resolved*, That the Secretary of the Senate inquire of Ariel and W. H. Drapier, reporters, at what price they will furnish, ready for binding, five copies of their Brevier Legislative Reports to each member of the Senate, and report as early as possible.

Mr. Murray introduced the following resolution, which was adopted :

*Resolved*, That the Committee on Military Affairs be instructed to inquire what additional legislation may be necessary to insure the support of destitute families, at the public expense, of such volunteers as are now in the military service of the country.

Mr. Moore offered the following, which was adopted :

*Resolved*, That the Committee on County and Township business inquire into the expediency of amending the twelfth section of an act to provide for a general system of common schools, so as to compel the Director of each school-house to take the enumeration

of the children within their respective districts in the place of the Township Trustee, and report by bill or otherwise.

Mr. Moore introduced the following resolution, which was adopted :

*Resolved*, That the Committee on County and Township business inquire into the expediency of amending the act to provide for a general system of common schools so that it shall be the duty of the Boards of County Commissioners of the several counties to appoint a School Examiner at the county seat, and also to inquire into the expediency of reducing his pay not to exceed twenty-five dollars, with leave to report by bill or otherwise.

Mr. Corbin offered the following, which was adopted :

WHEREAS, All governments derive their just powers from the consent of the people governed, and no people can give that consent without a just knowledge of the acts of their agents ; and

WHEREAS, An over-taxed and heavily burdened people every where, are demanding earnestly of their Representatives and agents in every department an observance of that rigid economy, which alone can preserve the integrity, vigor and life of any government, or the liberties of the people ; therefore, in order to further the accomplishment of said objects, be it

*Resolved by the Senate, the House concurring*, That a committee of five, two from the Senate, and three from the House, be appointed to wait upon his Excellency, Gov. Morton, and request him to fix a time at as early a day as possible, when he will report to this Legislature how much of the one million appropriation, approved May 31, 1861, came to his hands ; also, how much of the one hundred thousand dollars, appropriated as a contingent for the Governor, came into his hands, and what amount, if any, of Bonds were issued by him, under an act approved May 13, 1861, to authorize the Governor to issue Bonds, &c., and for him to give a detailed statement of the disbursement of said funds ; also, for him to report to this Legislature whether the Federal Government has not paid to him, for the benefit of the State, an amount sufficient to cover all, or nearly all, advances made by the State on account of the war ; also, to report to this Legislature what officers and employees growing out of the present war are now being paid by the State, the salaries

and other expenditures of said employees and officers charged to the State, and what other expenditures, if any, growing out of the same cause, is being charged against the State.

Mr. New introduced Senate joint resolution No. 5, entitled "a joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the payment of bounty to discharged and disabled soldiers;"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Ray introduced Senate bill No. 60, entitled "an act to detect and prevent the circulation of counterfeit, altered and worthless paper currency, and prescribing the duties of banks in relation thereto;"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Mellett introduced Senate bill No. 61, entitled "an act repealing an act entitled an act in relation to witnesses, and to repeal section 238 of article 13 of the act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force;"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. New introduced

Senate bill No. 62, Entitled an act to amend the first section of an act entitled "an act for the incorporation and continuance of building loan fund and savings associations," approved March 5, 1857.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Corbin introduced

Senate bill No. 63. An act to amend section five of an act en-



titled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Berry introduced

Senate bill No. 64. "An act to amend section sixteen of an act entitled 'an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases,'" approved June 9, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Corbin introduced

Senate bill No. 65. "An act to amend section 322 of an act entitled an act to revise, simplify, and abridge, the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Wolfe introduced

Senate bill No. 66, "An act to amend the 134th section of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, and declaring when this act shall take effect.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Corbin introduced

Senate bill No. 67. "An act the better to secure the free pass-

age of fish in the streams and water courses of this State, and to provide a penalty for a violation thereof."

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Culver introduced

Senate bill No. 68. Entitled "an act for the relief of Perry Bergett."

Which was read a first time, and passed to a second reading on to-morrow.

The House Resolution instructing our Senators, and requesting our Representatives in Congress, in reference to the pay of army officers, coming up in order,

The question being on laying on the table Mr. Claypool's amendment of yesterday,

The ayes and noes were demanded by Messrs. Claypool, and Landers, and being taken, resulted as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hartley,	Moore,
Browne of R.,	Douglass,	Hoagland,	Pleak,
Brown of Wells,	Dunning,	Jenkins,	Shields,
Campbell,	Ferguson,	Johnson,	Williams,
Cobb,	Finch,	Landers,	Wilson,
Corbin,	Fuller,	March,	Wolfe, and
Davis of Parke,	Gaff,	Marshall,	Wright—27.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Hord,	New,
Bearss,	Dickinson,	McClurg,	Ray,
Beeson,	Downey,	Mansfield,	Teegarden, and
Berry,	Gifford,	Mellet,	White—18.
Blair,	Grubb,	Murray,	

So the amendment lies on the table.

The question recurring on adopting the amendment reported by the select committee, Mr. Cobb moved to lay it on the table.

The ayes and noes were demanded by Messrs. March and Shields, and being taken, resulted as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Hartley,	Johnson,	Shields,
Cobb,	Hoagland,	Landers,	Williams,
Davis of Cass,	Hord,	Marshall,	Wilson, and
Douglass,	Jenkins,	Moore,	Wolfe—16.
Gaff,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Finch,	Murray,
Bearss,	Corbin,	Fuller,	New,
Beeson,	Culver,	Gifford,	Pleak,
Berry,	Davis of Parke,	Grubb,	Ray,
Blair,	Dickinson,	McClurg,	Teegarden,
Browne of R.,	Downey,	Mansfield,	White, and
Brown of Wells,	Dunning,	March,	Wright—30.
Campbell,	Ferguson,	Mellet,	

So the motion was rejected.

Mr. Landers moved to amend the committee amendment by inserting in the proper place, to reduce the pay of chaplains fifty per cent.

Mr. March moved to lay it on the table.

The ayes and noes were demanded by Messrs. Landers and Moore, which being taken, resulted as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Dunning,	Marshall,
Bearss,	Claypool,	Ferguson,	Mellet,
Beeson,	Corbin,	Gifford,	New,
Berry,	Culver,	Grubb,	Pleak,
Blair,	Davis of Parke,	Hoagland,	Teegarden,

S. J.—13

Browne of R.,	Dickinson,	Mansfield,	White, and
Brown of Wells,	Downey,	March,	Wright—27.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Gaff,	Landers,	Shields,
Cobb,	Hartley,	McClurg,	Williams,
Douglass,	Hord,	Moore,	Wilson, and
Finch,	Jenkins,	Murray,	Woolfe—18.
Fuller,	Johnson,	Ray,	

So the amendment lies on the table.

On motion by Mr. Downey,

The committee amendment was amended by adding, in the proper place, "and to use their influence to procure immediate payment of amounts already due, and a more punctual payment in future."

Mr. Wolfe moved to lay the committee amendment as amended on the table.

The ayes and noes were demanded by Messrs. Mansfield and Landers, and being taken, resulted as follows :

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Fuller,	Marshall,	Williams,
Cobb,	Hartley,	Moore,	Wilson, and
Davis of Cass,	Landers,	Shields,	Wolfe—12.
Douglass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Corbin,	Grubb,	Melletts,
Bearss,	Culver,	Hoagland,	Murray,
Beeson,	Davis of Parke,	Hord,	New,
Berry,	Dickinson,	Jenkins,	Pleak,
Blair,	Dunning,	Johnson,	Ray,
Browne of R.,	Ferguson,	McClurg,	Teegarden,
Browne of W.,	Finch,	Mansfield.	White, and
Campbell,	Gaff,	March,	Wright—34.
Claypool,	Gifford,		

So the motion was rejected.

The committee amendment, as amended, was agreed to.

The resolution, as amended, was concurred in.

Senate bill No. 48 was read a second time by title only, and referred to a select committee of five ;

Which the President makes to consist of Messrs. Dickinson, Hoagland, Brown of Wells, Douglass, add Murray.

A message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the House of Representatives has passed the following engrossed bill of the Senate, without amendment, to-wit :

Senate bill No. 47. "An act to fix the times of holding the Courts of Common Pleas in the 20th Judicial District of the State of Indiana, and repealing former laws on the subject, and declaring when this act shall take effect."

Senate bill No. 49 was read a second time, and referred to the Committee on Finance.

Senate bill No. 50 was read a second time, and referred to the Committee on Swamp Lands.

The following amendment, by Mr. Wright, was also referred to the same committee :

Sec. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that the same shall be in force from and after its passage.

Mr. Shields offered the following additional instructions :

Instruct so as to amend the bill that it shall apply to all persons who have paid money to the State for Swamp Lands, and who, for any reason, have not been able to procure a title for said land.

Which was also referred to the same committee.

Mr. Brown of Randolph offered the following, which was adopted :

*Resolved*, That the President of the Senate be and is hereby

authorized to appoint and retain Dickey Richards as a page of the Senate, with the same pay as the other pages.

On motion by Mr. Bearss,

The Senate adjourned.

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2 O'CLOCK, P. M.

Senate met.

Senate bill No. 51 was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 52 was read a second time, and referred to the Committee on Finance.

Senate bill No. 53 was read a second time, and,

On motion by Mr. Wolfe,

Was referred to the Committee on the Organization of Courts.

Senate bill No. 54 was read a second time, which,

On motion by Mr. March,  
Was laid on the table.

Senate bill No. 55 was read a second time, and referred to the Committee on County and Township Business.

Senate bill No. 56 was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 57 was read a second time.

Mr. Ray moved to amend by striking out *five* miles and insert *ten* miles, in the proper place.

Mr. Downey moved to amend so as to make the law apply to



roads which have been partly made by voluntary donations, or by authority of any company which has been dissolved, and so as to credit persons who have already contributed, by way of donations or stock paid for the construction of such roads, on the taxes so assessed against them.

Mr. Williams offered the following instructions :

Amend by inserting in the proper place the following section :  
Persons whose place of business requires them to travel regularly, at least on an average of once a day, through any gate in going from their residence to said place of business, shall have the right to travel through such gates at an annual rate, or at a rate per trip, not exceeding one half the above rates.

Mr. Wolfe made an ineffectual motion to refer the bill and pending amendment to the Committee on Corporations.

On motion by Mr. Beeson,

They were referred to the Committee on Roads.

Senate bill No. 58 was read a second time, and referred to the Judiciary Committee.

Senate bill No. 59 was read a second time, and referred to the Committee on Finance.

Senate joint resolution No. 3 was read a second time.

Mr. Wolfe moved to refer the resolutions to the Committee on Federal Relations.

Mr. Browne of Randolph moved to lay on the table and have one hundred copies of the resolutions printed for the use of the Senate.

Mr. Johnson demanded a division of the question.

The first question being on laying the resolution on the table,

The ayes and noes were demanded by Messrs. Johnson and Shields, and being taken, resulted as follows:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Browne of R.,	Dunning,	Pleak,
Bearss,	Campbell,	Grubb,	Teegarden,
Beeson,	Culver,	March,	White, and
Berry,	Davis of Parke,	Melletts,	Wolfe—18.
Blair,	Dickinson,	New,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Hoagland,	Marshall,
Brown of Wells,	Ferguson,	Hord,	Moore,
Claypool,	Finch,	Jenkins,	Murray,
Cobb,	Fuller,	Johnson,	Ray,
Corbin,	Gaff,	Landers,	Shields,
Davis of Cass,	Gifford,	McClurg,	Williams, and
Douglass,	Hartley,	Mansfield,	Wilson—27.

So the resolution was not laid on the table.

The question recurring on the motion to refer to the Committee on Federal Relations,

It was agreed to.

Mr. Shields asked and obtained leave of absence for Mr. Bradley, on account of sickness.

The President laid before the Senate the following:

INDIANAPOLIS, January 28, 1863.

JAMES H. VAWTER,

*Secretary of the Senate:*

SIR—In answer to the resolutions of the Senate of this day, we can report and print, and “furnish ready for binding,” the propositions, proceedings, debates and votes of the General Assembly now in session, in newspaper and book, to the extent of two hundred pages of the capacity of the Brevier Legislative Reports, on all subjects having relation to the state of the Union and the war, to-wit: 250 copies—five copies to each Senator—eleven hundred and fifty dollars; or we can furnish fifteen hundred copies, (as in the resolution proposed to be amended by the committee,) for fifteen

hundred dollars, *i. e.*, at the rate of half a cent a page per copy, if the number of pages of the book should neither exceed nor fall short of two hundred. We can not estimate that such reports could exceed two hundred pages.

Respectfully,

ARIEL & W. H. DRAPIER.

Which, on motion by Mr. Moore,  
Was laid on the table.

On motion by Mr. Johnson,

The Senate adjourned.

THURSDAY, 9 o'clock, A. M., }  
January 29, 1863. }

The Senate met.

The Journal of yesterday was read and approved.

The President announced the special committee on the resolutions introduced by Mr. Brown of Wells, asking an investigation of the expenditures in the State Quartermaster's Department, the purchase of arms of the State, and the management of the State Arsenal, as follows: Messrs. Brown of Wells, Cobb, Downey, Browne of Randolph, and New.

Mr. Shields offered the following:

*Resolved*, That J. H. Vajen, late Quartermaster, be permitted to appear before the committee just appointed, either by person or by attorney;

Which was adopted.

The President announced the special committee on resolutions of Senator Corbin, having reference to the Governor's expenditures, as follows: Messrs. Corbin and Claypool, on the part of the Senate.

The President announced the special committee on Congressional Representation, as follows :

First District—Mr. Fuller.  
 Second District—Mr. Wolfe.  
 Third District—Mr. Shields.  
 Fourth District—Mr. Pleak.  
 Fifth District—Mr. March.  
 Sixth District—Mr. Ray, Chairman.  
 Seventh District—Mr. Wilson.  
 Eighth District—Mr. White.  
 Ninth District—Mr. Teegarden.  
 Tenth District—Mr. Graves.  
 Eleventh District—Mr. Brown of Wells.

The President announced the select committee for Districting the State for State Senators and Representatives, as follows :

First District—Mr. Williams, Chairman.  
 Second District—Mr. Bradley.  
 Third District—Mr. Hord.  
 Fourth District—Mr. Gifford.  
 Fifth District—Mr. Mellett.  
 Sixth District—Mr. Blair.  
 Seventh District—Mr. Johnson.  
 Eighth District—Mr. Culver.  
 Ninth District—Mr. Corbin.  
 Tenth District—Mr. Hoagland.  
 Eleventh District—Mr. Grubb.

The President laid before the Senate a communication from the late Secretary of State, in response to the resolution of the Senate as to the amount of fees, perquisites, and emoluments of every description received by him in the discharge of his official duties, over and above his salary as fixed by law, &c.

On motion by Mr. Browne of Randolph,

This communication, and communications heretofore received from the Auditor, Treasurer and President of the Sinking Fund, in relation to their fees, &c., were referred to the Committee on Finance.

The President laid before the Senate a communication from the President of the State Board of Agriculture,  
Which, on motion by Mr. Johnson,  
Was referred to the Committee on Agriculture without reading.

Mr. Downey submitted the following report, which was concurred in:

MR. PRESIDENT:

The Judiciary Committee, to which was referred Senate bill No. 39, entitled an "act to amend the third section of an act entitled an act prescribing the powers and duties of justices of the peace in State prosecutions," approved May 29, 1852, have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that the same be passed.

Mr. Hartley submitted the following:

The Committee on Corporations, to whom was referred Senate bill No. 20, which proposes to amend section thirty-three of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1862, have had the said bill under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which was concurred in.

Mr. Ray, from the Judiciary Committee, submitted the following report, which was concurred in;

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 14, introduced by the Senator from Morgan, entitled "an act to enforce the 13th Article of the Constitution," have had the same under consideration, and have instructed me to report the same back to the Senate with a recommendation that it lie on the table, and that this action of the committee does not result from any conviction on their part that no legislation on the subject is

demanding, but for the reason that the bill does not propose effective means to carry the said 13th Article of the Constitution into force, and that they hope, at an early day, to present a bill that shall embody the requisite provisions for that purpose.

Mr. March submitted the following, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 24, entitled "a bill to provide for the execution of conveyances by county auditors of school lands, where the certificate has not been properly assigned or assignment acknowledged in certain cases," have had the same under consideration, and directed me to report the same back, and recommend its passage without amendment.

Mr. Wolfe submitted the following, which was concurred in.

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 26, (introduced by Mr. Beeson,) have had the same under consideration, and have directed me to report the same back, with the following amendments, and when so amended, they recommend its passage :

Amend by striking out the words, "of her person," and adding the words, "and the guardian shall be authorized to account to the wife, with the assent of the husband."

On motion by Mr. Browne of Randolph,

The bill was amended by prefixing the words, "be it enacted by the General Assembly of the State of Indiana."

Mr. McClurg submitted the following report, which was concurred in.

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 23, entitled an act to amend section thirteen of an act entitled an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers, and duties in civil



cases, approved June 9, 1852, as amended by an act approved March 9, 1861, have had the same under advisement, and instructed me to report said bill back to the Senate, with a recommendation that it lie on the table.

Mr. March submitted the following report, which was concurred in.

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 16, prescribing forms of conveyances in certain cases, and repealing a section of the practice act, have had the same under consideration, and directed me to report the same back with the following amendments :

1st. Strike out section three of original bill and insert in its stead accompanying section marked amendment (No. 2.)

2nd. Insert as an additional section, to be numbered section (4,) the accompanying paper, marked amendment (No. 3.)

3rd. Change the number of the last section to 5.

4th. Strike from the title the words "fixing a fee therefor," and insert the following words:—"Amending section 100 of the act in relation to the settlement of decedents estates," approved June 17, 1852.

Mr. Browne of Randolph submitted the following :

MR. PRESIDENT :

The Committee on Enrolled Bills beg leave to report that they have examined and compared Enrolled Act No. 47, "An act to fix the times of holding the Courts of Common Pleas in the twentieth Judicial District of the State of Indiana, and repealing former laws on the subject, and declaring when this act shall take effect," with the engrossed copy thereof, and find the same to be correctly enrolled.

The Committee respectfully suggests that hereafter all engrossed bills should be submitted to the supervision of the Committee on Phraseology and Arrangement of bills before enrollment.

Mr. Moore offered the following, which was adopted :

*Resolved*, That the Committee on Rights and Privileges be instructed to inquire into the expediency of passing a law exempting

the property of all soldiers from execution while absent from home, in the service of the United States, or this State, with leave to report by bill or otherwise.

Mr. Cobb offered the following resolution, which was adopted :

*Resolved*, That the Judiciary Committee be and it is hereby required to inquire into the expediency of repealing the act, approved March 9, 1861, empowering "The Bank of the State of Indiana" to lay off and create additional bank districts, not exceeding five in number, and to locate and establish branches of said bank in each of said districts.

Mr. Browne of Randolph offered the following, which was adopted :

*Resolved*, That hereafter the Secretary of the Senate furnish the Committee on Phraseology and Arrangement of bills, each engrossed bill for supervision, before the bill is enrolled, and that the member of the Senate introducing a bill, should be notified of the meeting of the committee and have liberty to attend when the bill shall be considered.

Mr. Landers offered the following, which was adopted :

*Resolved*, That the Governor be respectfully requested to transmit to the Senate a detailed statement of proceedings had in pursuance of an act entitled "an act to provide for the defense of the State of Indiana, to procure first class arms—artillery, cavalry and infantry equipments and munitions of war—making the necessary appropriations therefor, and authorizing the Governor to borrow money," approved April 1, 1861, showing who were authorized as agent, or agents, to make purchases for the State under said act, the compensation of such agent, or agents, including the expenses for travel, transportation, &c., the number, character and price of arms, equipments and munitions purchased, and a statement in detail of the dispositions made of the same, specifying the number and amount transferred to and paid for by the Federal Government, the number and amount distributed to the militia of this State, and yet in their hands, and the number and amount now in possession of the State, together with the amount of money borrowed, and the terms of such loan, or loans, as authorized by said act.

Mr. Grubb offered the following, which was adopted :

*Resolved*, That the Committee on County and Township Business are hereby instructed to inquire into the expediency of so changing the laws compensating the officers of Boards of Elections so that the said officers shall draw their pay from the civil fund of their townships, and to report by bill or otherwise.

Mr. Brown of Wells offered

Senate joint resolution No. 6, entitled "a joint resolution proposing a general convention of all the States in the Federal Union, including the so-called Confederate States, with a view to the restoration of the Union with all the dignity, equality, and rights of the several States unimpaired,"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Mellett introduced

Senate bill No. 69, entitled "an act to amend section 76 of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hord introduced

Senate bill No. 70, entitled "an act to amend section 156 of an act entitled an act to revise, simplify, and abridge the rules, practice, pleading, and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and providing the time when the same shall take effect;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Claypool introduced

Senate bill No. 71, entitled "a bill to amend the first and second sections of an act entitled "an act relative to the salaries of public

officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," approved March 5, 1859;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Gaff introduced

Senate bill No. 72, entitled "an act to amend section 42 of an act entitled an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto;"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Grub introduced

Senate bill No. 73, entitled "an act to amend section 14 of an act entitled an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852, and to extend the time in which companies organized under said act shall commence and complete the construction of their roads;

Which was read a first time, and passed to a second reading on to-morrow.

Senare bill No. 61 was read a second time, and referred to the Judiciary Committee.

Senate bill No. 60 was read a second time, and referred to the Committee on Banks.

Senate bill No. 62 was read a second time, and referred to the Committee on Corporations.

A message from the House:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed enrolled Senate bill No. 47.

The President of the Senate thereupon affixed his signature to said bill.

Senate bill No. 63 was read a second time, and referred to the Committee on County and Township Business.

Senate bill No. 64 was read a second time, and referred to the Committee on Organization of Courts.

Senate bill No. 65 was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 66 was read a second time, and referred to the Judiciary Committee.

Senate bill No. 67 was read a second time, and referred to the Committee on Rights and Privileges.

Senate bill No. 68 was read a second time, and referred to the Judiciary Committee.

Senate joint resolution No. 5 was read a second time, and ordered to be engrossed.

The House memorial addressed to the Legislature of the State of New York, was read by title, and referred to the Committee on Federal Relations.

On motion by Mr. March,

The committee was instructed to inquire into the expediency of striking out all of the political matter in the memorial.

Senate bill No. 15, was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hord,	New,
Berry,	Downey,	Jenkins,	Pleak,
Blair,	Dunning,	Johnson,	Ray,
Browne of R.,	Finch,	Landers,	Shields,
Brown of Wells,	Fuller,	McClurg,	Teegarden,
Campbell,	Gaff,	Mansfield,	White,
Claypool,	Gifford,	March,	Williams,

Corbin,	Grubb,	Marshall,	Wilson,
Davis of Parke,	Hartley,	Melletts,	Wolfe, and
Davis of Cass,	Hoagland,	Moore,	Wright—40.
Dickinson,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs. Bearss and Ferguson.

So the bill passed.

On motion by Mr. Ray,

The title was amended by adding these words: "and to take stock in bridge companies."

Mr. Brown of Wells submitted the following:

MR. PRESIDENT:

The Committee on Enrolled Bills would report that, on the 29th inst., they presented to the Governor, for his approval and signature, Senate bill No. 47, entitled "A bill to fix the time of holding the Courts of Common Pleas in the 20th Judicial District of the State of Indiana, and repealing former laws on the subject, and declaring when this act shall take effect.

Mr. Corbin's resolutions of yesterday, proposing to divide the State Prison Committee, coming up in order,

On motion of Mr. Claypool,

The Senate adjourned.

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2 O'CLOCK, P. M.

Senate met.

A message from the Governor.



MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has signed and approved Senate bill No. 47, "An act to fix the times of holding the Courts of Common Pleas in the Twentieth Judicial District of the State of Indiana, and repealing former laws on the subject, and declaring when this act shall take effect," and has caused a copy of the same to be filed in the office of the Secretary of State.

The Senate resumed the consideration of the matter pending at the time of the adjournment for dinner.

On motion by Mr. Williams,

The resolution was amended by striking out from the resolution the resolving clause, and inserting the following :

*Resolved*, That the Senator from Vanderburg, and the Senator from Marshall, be added to the Committee on the State's Prison.

Mr. Wolfe moved to lay the resolution, as amended, on the table.

The ayes and noes were demanded by Messrs. Wolfe and Cobb, and being taken, resulted as follows : ayes 35, noes 6.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hoagland,	New,
Bearss,	Downey,	Hord,	Pleak,
Blair,	Dunning,	Jenkins,	Ray,
Browne of R.,	Ferguson,	Landers,	Shields,
Campbell,	Fuller,	Mansfield,	Teegarden,
Claypool,	Gaff,	March,	White,
Cobb,	Gifford,	Marshall,	Wilson,
Corbin,	Grubb,	Moore,	Wolfe, and
Davis of Cass,	Hartley,	Murray,	Wright—35.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Culver,	Johnson,	Williams—6.
Berry,	Davis of Parke,	Melletts, and	

Mr. Finch was excused from voting.

So the resolution was laid on the table.

Mr. Corbin offered the following, which lies over one day :

*Resolved*, That the Committee on State Prison be reduced to a number not exceeding eight.

Mr. Williams introduced the following resolutions, which were adopted :

*Resolved*, That the members and officers of the Senate have received, with deep sensibility, the melancholy intelligence of the death of the Hon. Thomas Shoulders, late Senator from the county of Dubois.

*Resolved*, That, in token of respect for the memory of the deceased, the members and officers of the Senate will wear the usual badge of mourning during the remainder of the present session of the General Assembly.

*Resolved*, That the members and officers of the Senate will form in procession at the Farmer's Hotel, on Illinois Street, on the 30th inst., at 7 $\frac{1}{4}$  o'clock, A. M., and from thence attend the corpse to the Union Depot.

*Resolved*, That his Excellency, the Governor, the Judges of the Supreme Court, and other officers of the State, now at the seat of Government, be invited to unite in the procession, and that joint participation on the part of the members and officers of the House of Representatives be requested.

*Resolved*, That the President of the Senate be directed to appoint two Senators to accompany the remains of our departed friend to his late residence in the county of Dubois, under the charge of the Sergeant-at-arms.

*Resolved*, That the President of the Senate transmit a copy of these resolutions to the family of the deceased.

*Resolved*, That a committee be appointed to make the requisite arrangements for this mournful occasion.

Feeling and eloquent eulogies were pronounced on the public and private character of the deceased, by Senators Cobb, March, Ray, Shields, Wolfe, Corbin, Ferguson, Claypool and White.

The President makes the committee, to accompany the body of the deceased to his family, to consist of Senators Williams and Shields.

Mr. March submitted the following:

MR. PRESIDENT:

The committee appointed to make arrangements for the funeral of the Hon. Thomas Shoulders, have performed the duty assigned them, and submit the following report:

Order of arrangements for the funeral of the Hon. Thomas Shoulders, late member of the Senate.

The procession will form at the Farmer's Hotel, the late boarding house of the deceased, on January 30, 1863, at precisely 7½ o'clock, A. M., and attend the funeral cortege to the Union Depot.

The Pall Bearers will consist of Messrs. Mansfield, Bearss, Teegarden, Campbell, Landers, Johnson, Gaff and Jenkins.

The procession will be under the direction of

WILLIAM H. MONTGOMERY, *Doorkeeper of the Senate.*

#### ORDER OF PROCESSION:

- 1st. Pall Bearers.
- 2nd. Governor and Officers of the State.
- 3rd. Judges of the Supreme Court.
- 4th. Senate, preceded by its President and Principal Secretary.
- 5th. House of Representatives, preceded by its Speaker and Principal Secretary.
- 6th. Citizens generally.

The President makes the Committee on Funeral Arrangements to consist of Messrs. March, Ray and Cobb.

On motion by Mr. Williams,

*Resolved*, That as a further token of respect for the deceased, that this Senate do now adjourn.

FRIDAY, 9 o'clock, A. M., }  
January 30, 1863. }

The Senate met.

The journal of yesterday was read.

Mr. Downey introduced

Senate bill No. 74. Entitled an act to fix the time of holding the Common Pleas Court in the Fifth District, and to repeal all other laws on the same subject;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Landers introduced

Senate bill No. 75. Entitled an act to amend the first section of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Gifford submitted the following:

MR. PRESIDENT:

The Committee on Phraseology and Arrangement of Bills, to whom was referred Senate bill No. 15, being an act authorizing railroad companies to make extensions or branches in certain cases and to take stock in railroad bridges, have carefully examined the same, and have found the engrossment correct.

Mr. Wolfe offered the following resolution:

*Resolved*, That the Judiciary committee be instructed to report a bill abolishing the office of Common Pleas Court Prosecuting Attorney, and taking from the Common Pleas Courts all criminal jurisdiction.

Mr. Wolfe moved to amend his resolution as follows:

*Resolved*, That it is inexpedient to abolish the Court of Common Pleas.

Mr. Mellett moved to amend the amendment as follows:

Add in the proper place: And the jurisdiction of the said court in civil cases.

On motion by Mr. Murray,  
The Senate adjourned.

2 o'clock, P. M.

Senate met.

Mr. Ray moved to refer the resolution and amendments to the Judiciary Committee, with the following instructions:

With instructions to act in conjunction with the Committee on the Judiciary of the House, and determine the expediency of abolishing the Common Pleas Court, and instituting a substitute with probate jurisdiction, and if found expedient, to prepare and present a bill for the purpose.

Mr. Cobb moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Cobb, and Browne of Randolph, and being taken, resulted, as follows, ayes 19, noes 18:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Hartley,	McClurg,
Blair,	Davis of Cass,	Hoagland,	March,

Claypool,	Dunning,	Hord,	New,
Cobb,	Ferguson,	Jenkins,	Wilson, and
Corbin,	Grubb,	Johnson,	Wolfe—19.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Gifford,	Murray,
Bearss,	Downey,	Marshall,	Teegarden,
Beeson,	Finch,	Melletts,	White, and
Berry,	Gaff,	Moore,	Wright—18.
Browne of R.,			

So the motion was laid on the table.

Mr. Cobb moved to lay the resolution and amendments on the table.

Mr. Wolfe demanded a division of the question.

The first question being on laying the amendment on the table,

The ayes and noes were demanded by Messrs. Cobb, and Browne of Randolph, and being taken, resulted as follows, ayes 27, noes 11

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Grubb,	March,
Bearss,	Davis of Cass,	Hartley,	Marshall,
Blair,	Downey,	Hoagland,	New,
Campbell,	Dunning,	Hord,	Teegarden,
Cobb,	Ferguson,	Jenkins,	White,
Corbin,	Gaff,	Johnson,	Wilson, and
Culver,	Gifford,	McClurg,	Wolfe—27.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Melletts,	Pleak,
Beeson,	Claypool,	Moore,	Ray, and
Berry,	Finch,	Murray,	Wright—11.

So the amendment to the amendment was laid on the table.

The question recurring on laying the amendment on the table,



The ayes and noes were demanded by Messrs. Cobb, and Browne of Randolph, and being taken, resulted as follows, ayes 28, noes 11 :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Grubb,	March,
Beeson,	Downey,	Hartley,	Mellett,
Berry,	Dunning,	Hord,	Moore,
Campbell,	Ferguson,	Jenkins,	Murray,
Claypool,	Finch,	Johnson,	Pleak,
Cobb,	Gaff,	Landers,	Ray, and
Corbin,	Gifford,	McClurg,	Wright—28.
Culver,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Marshall,	White,
Bearss,	Davis of Cass,	New,	Wilson, and
Blair,	Hoagland,	Teegarden,	Wolfe—11.

So the amendment was laid on the table.

The question recurring upon laying the resolution on the table,

The ayes and noes were demanded by Messrs. Cobb and Wolfe, and being taken, resulted as follows, ayes 18, noes 21 :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Corbin,	Ferguson,	Landers,
Bearss,	Culver,	Gifford,	March,
Blair,	Davis of Parke,	Grubb,	White, and
Campbell,	Davis of Cass,	Hord,	Wilson—18.
Cobb,	Downey,	Johnson,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Finch,	Marshall,	Pleak,
Beeson,	Gaff,	Mellett,	Ray,
Berry,	Hartley,	Moore,	Teegarden,
Browne of R.,	Hoagland,	Murray,	Wolfe, and
Claypool,	Jenkins,	New,	Wright—21.
Dunning,	McClurg,		

So the resolution was not laid on the table.

Mr. Mellett moved to amend as follows :

Strike out from the word resolved, and insert the following :  
 "That it is expedient to abolish the Common Pleas Court."

The ayes and noes were demanded by Messrs. Mellett and Claypool, and being taken resulted as follows—ayes 17, noes 22.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	Landers,	Murray,
Bearss,	Downey,	March,	Pleak,
Beeson,	Dunning,	Mellett,	Ray, and
Berry,	Finch,	Moore,	Wright—17.
Browne of R.,	Jenkins,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Hoagland,	New,
Blair,	Ferguson,	Hord,	Teegarden,
Campbell,	Gaff,	Johnson,	White,
Cobb,	Gifford,	McClurg,	Wilson, and
Corbin,	Grubb,	March,	Wolfe—22.
Culver,	Hartley,		

So the amendment was rejected.

The question recurring on adopting the original resolution,

The ayes and noes were demanded by Messrs. Ray and March, and being taken resulted as follows—ayes 18, noes 21.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hoagland,	New,
Beeson,	Dunning,	McClurg,	Ray,
Berry,	Finch,	Marshall,	Wolfe, and
Browne of R.,	Gaff,	Moore,	Wright—18.
Claypool,	Hartley,	Murray,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Culver,	Hord,	Mellett,
Bearss,	Davis of Parke,	Jenkins,	Pleak,
Blair,	Downey,	Johnson,	Teegarden,

Campbell,	Ferguson,	Landers,	White, and
Cobb,	Gifford,	March,	Wilson—21.
Corbin,	Grubb,		

So the resolution was rejected.

Mr. Ferguson offered the following, which was adopted :

*Resolved*, That the Committee on the State Prison have leave of absence, for the purpose of visiting the Northern Prison on Monday next.

Mr. Claypool introduced

Senate joint resolution No. 7, entitled joint resolution relative to the acceptance of the donation of Congress, approved July 2, 1862;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Browne of Randolph offered the following resolution, which was adopted:

*Resolved*, That the special committee heretofore appointed by the Senate, upon the resolutions introduced by the Senator from Wells to investigate and report upon the affairs of the Quartermaster Department and of the Arsenal, be and is hereby instructed to inquire into the expenditures and investigate the manner in which the Commissary Department of the State has been conducted.

Mr. Hord introduced

Senate bill No. 76, entitled an act to amend section one of an act entitled "an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof; the making out and recording of plats of such towns, and providing for the change of the names of such towns," approved May 20, 1852, and providing when the same shall take effect;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Corbin's resolution of yesterday, proposing to reduce the

Committee on State Prisons to a number not exceeding eight, being next in order, was laid on the table.

Mr. Claypool asked and obtained leave of absence for Mr. Brown of Wells.

Mr. Downey asked and obtained leave of absence for Mr. Corbin until Wednesday next.

On motion by Mr. Murray,

The following message from the House was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate of the passage of the following engrossed bills thereof:

House bill No. 9. An act entitled an act to repeal an act entitled "an act to ascertain the amount of fees and salaries of the clerks of the Supreme, Circuit, and Common Pleas Courts of this State; of the sheriff of the Supreme Court, and of the various counties in this State; of county auditors, treasurers and recorders; of circuit and prosecuting attorneys; and to provide punishment for a violation of its provisions," approved June 3, 1861. And,

House bill No. 15. An act to authorize the Governor to issue a patent to Aaron Foster, for certain Michigan road lands in Laporte county.

House bill No. 15 was read a first time, and passed to a second reading on to-morrow.

House bill No. 9 was read a first time, and passed to a second reading on to-morrow.

A message from the House:

MR. PRESIDENT:

I am directed to inform the Senate that the House has adopted the following concurrent resolution, viz:

WHEREAS, The land of Henry Clay, John J. Crittenden, Joseph Holt, and Thomas F. Marshall—the old State of Kentucky—has

been conspicuous for eloquence, patriotism and chivalry, and has hitherto been an object of our warmest regards ; therefore,

*Resolved by this House, (the Senate concurring,)* That with emotions of ardent hope and intense pleasure, we hail the evidences of true patriotism contained in the following joint resolution offered in the Senate of the Commonwealth of Kentucky, by Mr. Geceiss :

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That the Federal Government of the United States being engaged in a terrible war for the suppression of a causeless and wicked rebellion, which aims to sunder the Union and destroy the Government, Kentucky, being an integral portion of the Government—a loyal State thereof—and having long since plighted her faith to that Government, to aid in the suppression of the rebellion and the restoration of the Government, with the rights of all the States ; that, notwithstanding she holds opinions adverse to the policy and constitutional power of some of the war measures of the Chief Executive of the nation—still unwavering in her devotion and attachment to the Government of her illustrious ancestors and revolutionary sires—she again reiterates her pledges of fidelity to the great common cause, and with all her energies, with all her power, and with all her means, will advance steadily forward in the prosecution of the war, to the crushing of the rebellion and the restoration of the Union and the Constitution.

In which the concurrence of the Senate is respectfully requested.

Mr. Wolfe moved to refer the resolution to the Committee on Federal Relations.

Mr. Browne of Randolph moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Browne of Randolph, and March, and being taken, resulted as follows : Ayes 19, noes 20.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Browne of R.,	Downey,	New,
Bearss,	Campbell,	Grubb,	Pleak,
Beeson,	Claypool,	March,	Teegarden,
Berry,	Culver,	Mellett,	White, and
Blair,	Davis of Parke,	Murray,	Wright—19.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Finch,	Hord,	Marshall,
Cobb,	Gaff,	Jenkins,	Moore,
Corbin,	Gifford,	Johnson,	Ray,
Davis of Cass,	Hartley,	Landers,	Wilson, and
Dunning,	Hoagland,	McClurg,	Wolfe—20.
Ferguson,			

So the motion to lie on the table was rejected.

Mr. Cobb made an ineffectual motion to adjourn.

Mr. Landers moved to amend by adding in the proper place, the message of the Governor of New York.

Mr. Bearss moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Johnson and Claypool, and being taken, resulted as follows: Ayes 19, noes 20.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Browne of R.,	Dickinson,	New,
Bearss,	Campbell,	Grubb,	Pleak,
Beeson,	Claypool,	March,	Teegarden,
Berry,	Culver,	Melletts,	White, and
Blair,	Davis of Parke,	Murray,	Wright—19.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Marshall,
Cobb,	Finch,	Hord,	Moore,
Corbin,	Gaff,	Jenkins,	Ray,
Davis of Cass,	Gifford,	Johnson,	Wilson, and
Downey,	Hartley,	Landers,	Wolfe—20.
Dunning,			

Mr. Mellett moved to indefinitely postpone the motion to refer.

Mr. Landers moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Bearss and Claypool, and being taken, resulted as follows: Ayes 20, noes 19.



## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Marshall,
Cobb,	Finch,	Hord,	Moore,
Corbin,	Gaff,	Jenkins,	Ray,
Davis of Cass,	Gifford,	Johnson,	Wilson, and
Downey,	Hartley,	Landers,	Wolfe—20.
Dunning,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Dickinson,	New,
Bearss,	Campbell,	Grubb,	Pleak,
Beeson,	Claypool,	March,	Teegarden,
Berry,	Culver,	Melletts,	White, and
Blair,	Davis of Parke,	Murray,	Wright—19.

So the motion was laid on the table.

Mr. Blair moved to postpone the further consideration of this motion to refer until the 8th day of March next.

Mr. Cobb moved to lay the motion to postpone on the table;  
Which was rejected.

The question recurring on the motion to postpone,

The ayes and noes were demanded by Messrs. Cobb and Johnson.

Mr. Blair withdrew his motion to postpone the further consideration of this motion to refer until the 8th day of March next.

Mr. Downey offered the following instructions: "with instructions, when they report, to incorporate the sentiments in these resolutions in their report or resolutions;

Which, together with the House concurrent resolutions, were referred to the Committee on Federal Relations.

Mr. Browne of Randolph offered the following:

*Resolved by the Senate, (the House of Representatives concurring therein), That the Committees on the Judiciary of the House and Senate, act as a special committee to mature and prepare, for the action of the General Assembly, a bill or bills reforming the judi-*

cial system of the State; abolishing, if found expedient, the Court of Common Pleas, and the office of District Prosecuting Attorney, or either of them, and that all propositions on the subject above be referred to such special committee.

Mr. Cobb moved to lay the resolution on the table.

The ayes and nays were demanded by Messrs Cobb and March, and being taken, resulted as follows: ayes 20, nays 17.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Gifford,	Johnson,
Blair,	Davis of Cass,	Grubb,	March,
Campbell,	Downey,	Hartley,	Teegarden,
Cobb,	Ferguson,	Hoagland,	Wilson, and
Corbin,	Gaff,	Hord,	Wolfe—20.
Culver,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Marshall,	Pleak,
Bearss,	Dickinson,	Mellett,	Ray,
Beeson,	Dunning,	Moore,	White, and
Berry,	Finch,	New,	Wright—17.
Browne of R.,	Landers,		

So the resolution was laid on the table.

On motion by Mr. Mellett,

The Senate adjourned.

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SATURDAY, 9 o'clock, A. M., }  
January 31, 1863. }

The Senate met.

The Journal of yesterday was read and approved.

Mr. Davis of Cass submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 62, which proposes to amend section one of an act entitled an act for the incorporation and continuance of building fund and savings associations, approved March 5, 1857, would report that they have had said bill under consideration, and now report the same back to the Senate, and recommend its passage.

Mr. Ray submitted the following report, which was concurred in:

MR. PRESIDENT :

The committee to whom was referred Senate bill No. 34, introduced by Senator Hord, entitled an act to amend the seventy-first section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1852, as amended by an act approved March 5, 1859, have had the same under consideration, and have directed me to report the bill back to the Senate with the recommendation that it lie on the table, inasmuch as the provisions of said bill are already the law, in the opinion of the committee.

Mr. March submitted the following, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 68, entitled "a bill for the relief of Perry Burgett," have had the same under consideration, and directed me to report the same back, and recommend that it lie on the table. It is the unanimous opinion of the committee that it would be both unconstitutional and inexpedient to pass any act of the character contemplated by this bill.

Mr. Downey submitted the following, which was concurred in :

MR. PRESIDENT :

The Judiciary Committee, to which was referred Senate bill No.

43, entitled an act to make Gavin & Hord's printed edition of the statutes evidence, &c., have considered the same, and have directed me to report the same back to the Senate, and recommend that it be laid upon the table.

Mr. Downey submitted the following report, which was concurred in :

MR. PRESIDENT :

The select committee, to which was referred Senate bill No. 30, entitled a bill to provide for the erection and repair of any bridge across a stream forming the boundary between two counties, and to repeal all laws inconsistent therewith, have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendment, and when so amended to recommend its passage :

Strike out all after the enacting clause, and insert the following :  
[A new bill by way of substitute.]

Mr. Ray submitted the following :

MR. PRESIDENT :

The committee, to whom was referred Senate bill No. 61, introduced by the Senator from Henry, to repeal an act entitled an act in relation to witnesses, and to repeal section 238 of Article 13 of the act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force, have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that it lie on the table.

On motion by Mr. Mellett,

The further consideration of the same was postponed till Tuesday week.

Mr. March submitted the following report, which was concurred in :

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 33, a bill prescribing the forms of conveyances that may be used by sheriffs and coroners in certain cases, have had the same under consideration, and directed me to report the same back, and recommend its passage, with the following amendments:

1. On the first page, eleventh line, after the word "all," insert these words, "the title to."
2. On second page, strike out these words, "and approved by the Courts of this State."
3. Strike out the third, fourth and fifth sections.
4. Strike from title all after "coroners," except the words "in certain cases."

Mr. Downey submitted the following report:

MR. PRESIDENT:

The Judiciary Committee, to which was referred Senate bill No. 46, entitled a bill to amend section six of an act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions, &c., have had the same under consideration, and being of opinion that further legislation on the subject is unnecessary, have instructed me to report the same back to the Senate, and recommend that it be laid upon the table.

Mr. Wolfe moved that the report and bill be recommitted to the Judiciary Committee;

Which was rejected.

The report was concurred in.

Mr. Landers submitted the following report, which was concurred in:

MR. PRESIDENT:

The Finance Committee, to whom was referred Senate bill No. 59, a bill fixing the amount of fees to be paid into the State Treasury, for the services of the Auditor and Secretary of State in cer-

tain cases, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Mr. Johnson introduced

Senate bill No. 77, entitled an act to amend the twenty-third section of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of Treasurer and Auditor of State, approved June 21, 1852;

Which was read a first time, and passed to a second reading.

Mr. Johnson introduced

Senate bill No. 78. A bill to amend the eighth section of an act entitled an act in relation to county treasurers, approved June 14, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

Senate bill No. 71 was read a second time, and referred to the Committee on Finance.

Senate bill No. 69 was read a second time, and was referred to the Judiciary Committee.

Senate bill No. 70 was read a second time, and referred to the Judiciary Committee.

Senate bill No. 72 was read a second time, and referred to the Committee on Corporations.

Senate bill No. 73 was read a second time, and referred to the Committee on Corporations.

Senate bill No. 74 was read a second time, and ordered to be engrossed for a third reading.

Senate bill No. 75 was read a second time, and referred to the Committee on the Organization of Courts.

Senate bill No. 76 was read a second time, and ordered to be engrossed for a third reading on to-morrow.



House bill No. 9 was read a second time, and referred to the Committee on Finance.

House bill No. 15 was read a second time, and referred to the Judiciary Committee.

On motion by Mr. Gifford,  
The Senate adjourned.

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MONDAY, 2 o'clock, P. M., }  
February 2, 1863. }

The Senate met.

The Journal of Saturday was read and approved.

Mr. New asked and obtained leave of absence for Messrs. White, Berry and Jenkins, till Thursday.

Mr. New offered the following resolution, which was adopted :

*Resolved*, That when the Senate adjourn it shall be until Wednesday morning, at 9 o'clock.

Mr. Downey offered the following, which was adopted :

*Resolved*, That the Adjutant General be requested to report to the Senate :

1st. The reason or reasons why the military fund, appropriated by the seventh section of the act of May 11, 1861, entitled "an act for the organization and regulation of the Indiana militia," &c., has not been distributed according to the fifth and sixth sections of that act.

2d. Whether it is the intention of the Adjutant General to cause such distribution to be made, and if so, when; and if not, why?

3d. If any further legislation is deemed necessary to authorize or require such or any other distribution of said fund, what is it?

4th. What suggestions, if any, has he to make in regard to the whole subject.

Mr. March offered the following, which was adopted :

*Resolved*, That the Auditor of State be directed, at his earliest possible convenience, to report to the Senate an abstract of the contents of the reports filed in his office, of the Clerk and Sheriff of the Supreme Court, and of various county officers, of the amount of fees received and charged by them, and the sources from whence derived ; that the Auditor, in his report, classify the items of each report in the same manner as is done in the originals.

Mr. Downey presented a memorial from sundry citizens of Ohio county, asking an amendment of the law for the construction of ditches or drains ;

Which was read and referred to the Committee on agriculture.

On motion by Mr. Wolfe,

The Senate adjourned.

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WEDNESDAY, 9 o'clock, A. M., }  
February 4, 1863. }

The Senate met.

The Journal of Monday was read and approved.

The President laid before the Senate a communication from Col. Sturm, inviting the members of the Senate to visit the Arsenal ;

Which was laid on the table.

Mr. Ray submitted the following, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred a resolu-

tion instructing said committee to inquire into the expediency of abolishing the office of Agent of State, have had the same under consideration, and have directed me to report the same back, with the opinion that it is inexpedient to abolish said office at the present, as it might interfere with the provisions of an act approved January 19, 1846, providing for the funded debt of the State.

Mr. Downey submitted the following :

MR. PRESIDENT :

The Judiciary Committee, to which was referred Senate bill No. 65, entitled "a bill to amend section 322 of an act entitled "an act to revise, simplify," &c., approved June 18, 1852, have had the same under consideration, according to order, and have directed me to report the same back to the Senate, and recommend that it be laid on the table ;

Which was concurred in.

Mr. Wolfe submitted the following, which was concurred in :

MR. PRESIDENT :

The Judiciary Committee, to which was referred Senate bill No. 69, being "a bill to amend section 76 of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Mr. McClurg submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred a petition of 350 citizens of Laporte county, relative to the collection of debts, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that further legislation on the subject is inexpedient.

Mr. Landers submitted the following, which was concurred in :

MR. PRESIDENT :

The Military Committee, to whom was referred a resolution of the Senate, inquiring what legislation, if any, was necessary to insure the support of the destitute families of volunteers, have had the same under consideration, and direct me to report the same back, with a recommendation that it be laid upon the table, from the fact that the Legislature, at their last session, have made ample provisions for all such cases, and that nothing further is necessary in the way of legislation.

Mr. Claypool submitted the following, which was concurred in :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill No. 52, being a bill to amend the 55th section of an act entitled "an act to amend and to authorize and regulate the business of general banking," approved March 3, 1855, have had the same under advisement, and have directed me to report the same back and recommend its passage.

Mr. Downey submitted the following, which was concurred in :

MR. PRESIDENT :

The Judiciary Committee, to which was referred the resolution instructing them to inquire into the expediency of enacting a law providing for the preparing and printing one copy to every one hundred inhabitants of the State, of a revised edition, in pamphlet form, of the law relating to the settlement of decedents' estates, &c., have had the subject under consideration, and have directed me to report that they consider it inexpedient to legislate on the subject.

Mr. Ray submitted the following :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 56, entitled "an act regulating the bequeathing, devising and conveying property for religious or charitable purposes, and declaring an emergency therefor," have had the same under consid-

eration, and have directed me to report the same back, with a recommendation that such legislation is inexpedient, and that the bill lie on the table;

Which was concurred in.

Mr. Davis of Parke offered the following, which was adopted:

*Resolved*, That the Committee on Banks be instructed to inquire into the expediency of reporting a bill authorizing banks to stamp the word counterfeit on all forged bank notes whenever presented.

Mr. Hoagland offered the following:

*Resolved*, That no leave of absence be granted to any member of this body, unless it be for the necessary discharge of duty on committees, or sickness of himself or family.

Mr. McClurg offered the following amendment, to-wit:

Insert in the proper place: Unless two-thirds of the members of the Senate consent to such absence.

Mr. Browne of Randolph moved to amend the amendment by adding in the proper place: Or to attend to his private business in order to get money to pay his hotel bill while he is here attending to the business of the people.

On motion by Mr. Williams,

The further consideration of the subject was postponed until tomorrow morning, 10 o'clock.

Mr. Gaff introduced

Joint Resolution No. 8. Providing for greater care of sick and disabled soldiers, the obtaining of furloughs, &c.;

Which was read a first time.

Mr. Wolfe introduced

Senate bill No. 79. Entitled an act to protect the liberty of the press, declaring certain acts infringing the liberty of the press to be felonious, and prescribing punishment therefor, and providing

compensation to persons whose property is injured or destroyed by mob violence in certain cases, and declaring when this act shall take effect ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Beeson introduced

Senate bill No. 80. Entitled an act to amend the fifth section of an act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. New introduced

Senate bill No. 81. Entitled an act in relation to injunctions, and restraining orders between landlords and tenants ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. March submitted the following :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Resolution of the Senate No. 11, directing the committee to inquire into the expediency of repealing the act approved March 9, 1861, empowering the Bank of the State to lay off additional bank districts, have had the same under consideration, and directed me to report the same back and recommend that it lie on the table, and also recommend the passage of the accompanying bill, repealing the act referred to in the resolution.

The report was concurred in, and Senate bill No. 82, entitled a bill to repeal an act entitled an act to authorize the Bank of the State of Indiana to lay off and create five additional bank districts, and locate and establish branches therein, approved March 9, 1861 ;

Was read a first time, and passed to a second reading on to-morrow.



Senate bill No. 77 was read a second time, and referred to the Committee on County and Township Business, with the following instructions by Mr. Browne of Randolph: To so amend the bill that it will secure the appraisement of all personal and real property subject to taxation, at its true cash value, giving no preference to any kind or class of such property.

By Mr. Landers, that the committee be instructed to so amend the bill as to allow the tax payer to take his indebtedness from any personal or real property on hand.

Senate bill No. 78 was read a second time.

Mr. Williams moved to strike out all that portion of the bill which relates to the publication of the act.

The motion was agreed to, and the bill referred to the Committee on County and Township Business.

Senate Joint Resolution No. 6, was read a second time.

Mr. Blair offered the following amendment:

Amend the resolution so as to provide that no action shall be taken on the part of the people of Indiana, unless the calling of the proposed Convention at Nashville, Tennessee, shall previously be agreed to by the authorities in all the States of this Union, including those States now in rebellion, as well as all others.

Mr. Teegarden moved to strike out Nashville, wherever it occurs, and insert in its stead, Charlestown, South Carolina.

Mr. Browne of Randolph moved to amend by fixing the place of meeting of the committee at Richmond, Virginia, instead of Nashville.

On motion by Mr. Shields,  
Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

Mr. Claypool offered the following amendment:

Amend by inserting, in the suburbs of Charlestown, and as near to the city as the circumstances will allow, and that Jeff. Davis be requested to furnish an escort and guard for the occasion, and that he notify this Legislature, at an early day, of his willingness to furnish said escort and guard.

The joint resolutions and pending amendment were referred to the Committee of Federal Relations.

The President laid before the Senate the following communication, which, by general consent, was laid on the table.

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, February 3, 1863. }

HON. PARIS C. DUNNING,

*President of the Senate:*

SIR:—In reply to the resolution of the Senate, requesting the Auditor of State to furnish an abstract of the contents of the reports of the various State and County Officers, as to fees collected by them, I have the honor to state that, having transmitted to the House of Representatives all of the reports received at this office, (in compliance with a resolution directing such transmittance,) I am unable to furnish the Senate the desired abstract.

Very respectfully,

JOSEPH RISTINE,

*Auditor of State.*

Senate joint resolution No. 5, was read a second time, and referred to the Committee on the Judiciary.

Mr. Wolfe introduced

Senate bill No. 83, entitled an act providing that creditors and sureties shall have a right of action, in certain cases, before the debt or liability is due, and providing a remedy by attachment in such cases, and declaring when this act shall take effect;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Ray introduced

Senate bill No. 84, entitled a bill regulating the fees of County Recorders, and more fully defining their duties and powers in certain cases;

Which was read a first time and passed to a second reading.

Mr. Downey submitted the following:

MR. PRESIDENT:

The Judiciary Committee, to which was referred the resolution of the Senate, instructing them to inquire into the expediency of reporting a bill authorizing some existing officer, or providing for the appointment of one or more competent persons in each county to grant injunctions and writs of *Habeas Corpus*, and to hold courts of conciliation, have had the same under consideration, according to order, and have directed me to report the following bill:

Senate bill No. 85, entitled an act on the subject of Master Commissioners, their duties and compensation.

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. March,

The Governor's message was taken up and so much as relates to the State Agency and Stover Fraud, was referred to the Committee on Finance.

Mr. Downey offered the following, which was adopted:

*Resolved*, That so much of the message of his Excellency, the Governor, as relates to the draft, and to persons conscientiously opposed to bearing arms, be referred to the Military Committee.

That so much as relates to the families of soldiers be referred to the same committee.

That so much as relates to the pay of State Militia, and the distribution of the fund appropriated for the benefit of the same, and to an amendment of the State Militia Law, be referred to the Military Committee.

That so much as relates to the Congressional donation of lands or scrip to the States, for the endowment of a college or collèges, be referred to the Committee on Agriculture.

That so much as relates to the rebellion, and the obligations and duties of the State and its citizens to aid the Federal Government in suppressing the rebellion and restoring the Union, be referred to the Committee on Federal Relations.

That so much as relates to the death of Professor Miles J. Fletcher, be referred to a select committee of five, which committee the President makes to consist of Messrs. Downey, Wilson, Claypool, Johnson and March.

On motion by Mr. Teegarden,

So much as relates to the State Prisons, North and South, was referred to the Committee on State Prisons.

On motion by Mr. Wolfe,

His bill No. 85, was read a second time, by title only, and referred to the Judiciary Committee.

On motion by Mr. Beeson,

So much of the Governor's message as relates to the expenses of war, was referred to the Committee on Finance.

A message from the House:

MR. PRESIDENT:

I am directed to inform the Senate that the House has concurred in the following resolution, transmitted from the Senate, without amendment, to-wit:

*Resolved*, That a select committee of one from each Congressional District be appointed on the part of the Senate, to act with a like committee to be appointed on the part of the House, to prepare and present to the Senate an apportionment bill districting the State for Representatives in Congress of the United States;

and the Speaker has appointed the following named gentlemen such committee on the part of the House :

Messrs. Shaffer, Chambers, Harden of Washington, Abbett, Hall, Berry, Atkison, Abdill, Miller, Shoaff of Allen, and McCaughey.

MR. PRESIDENT :

I am directed to inform the Senate that the House has concurred in the following resolution, transmitted from the Senate, without amendment, to-wit:

*Resolved*, That a select committee of one from each Congressional District be appointed on the part of the Senate, to act with a like committee to be appointed on the part of the House, to prepare and present to the Senate an apportionment bill districting the State for State Senators and Representatives in the General Assembly ; and the Speaker has appointed the following named gentlemen such committee on the part of the House :

Messrs. Donaldson, Holcomb, Howard, Cook, Van Buskirk, Moorman, Mason, Puett, Hetfield, Davis, and James.

On motion by Mr. Claypool,

The Senate adjourned.

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THURSDAY, 9 o'clock, A. M., }  
February 5, 1863. }

Senate met.

The Journal of yesterday was read and approved.

Mr. Williams submitted the following :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill

No. 71, a bill to amend the first and second sections of an act entitled an act relative to the salaries of public officers, providing the manner of reimbursing the State for an increase of salaries, approved March 5, 1859, have had the same under consideration, and have directed me to report the same back, and recommend that it lie on the table.

The question being on concurring in the report,

The ayes and nays were demanded by Messrs. Claypool and Cobb, and, being taken, resulted as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Gaff,	Landers,
Beeson,	Downey,	Gifford,	McClurg,
Bradley,	Dunning,	Graves,	Mansfield,
Campbell,	Ferguson,	Hartley,	Shields,
Cobb,	Finch,	Hoagland,	Williams, and
Corbin,	Fuller,	Hord,	Wilson—23.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Johnson,	New,
Bearss,	Davis of Cass,	March,	Pleak,
Berry,	Dickinson,	Marshall,	Teegarden, and
Blair,	Grubb,	Moore,	Wolfe—16.
Browne of R.,			

Excused from voting, Mr. Reed—1.

So the report was concurred in.

Mr. Beeson asked and obtained leave of absence for Mr. Mellett until Monday.

Mr. McClurg submitted the following:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 66, entitled a bill to amend the 134th section of an act providing for the settlement of decedent's estates, &c., introduced by Mr. Wolfe, have had the same under consideration, and instruct me to report said bill back to the Senate, with the recommendation that it pass.

The bill was read a second time.



Mr. March moved to concur with the following amendment:

Amend by striking out all between the word *therein*, in the 4th line, and the word *and*, in the 15th line, and insert the following: "but enter the petition on the docket of the court." At the first succeeding term of the court at which the inventory shall have been filed, twenty days before the first day thereof, and not sooner, the court shall order the possession of such estate to be delivered to the widow.

The amendment was agreed to.

On motion of Mr. Williams,

The following amendment was agreed to:

Strike out of the last section all that relates to publishing the bill in the Indianapolis papers.

Mr. Moore submitted the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claim of Nimrod Barr, to-wit:

To 4 days and nights service attending on Thos. Shouders	\$12 00
To dressing, laying out, and depositing body in coffin. . . .	5 00
	<hr/>
	\$17 00

have had the same under consideration, and instruct me to report the same back to the Senate, and recommend that it be referred to the Committee on Finance, and the amount placed in the specific appropriation bill, and that said claim be allowed.

Which was concurred in.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in Senate resolution, to appoint a committee to wait on his Excellency, Governor Morton, and request him to fix a time when he will report to this Legislature how much of the one million, approved May 31, 1861, came to his hands, and other information asked for therein, and the Speaker has appointed the following members on the part of the House to act on said committee, viz:

Messrs. Howk, Branham and Bird.

Mr. Moore submitted the following :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of W. H. Montgomery, Doorkeeper of the Senate, to-wit :

*State of Indiana Dr. to W. H. Montgomery, Doorkeeper of the Senate :*

January 30, 1863. To cash paid for expressing Thomas Shoulder's remains from Indianapolis to Loogootee....	\$5 00
January 30, 1863. Paid for telegraph dispatch from Seymour to Loogootee .....	90
January 31, 1863. Paid James Demoss for hauling corpse from Loogootee to Dubois county, as per receipt .....	15 00
January 31, 1863. To horse hire .....	1 00
Fare from Indianapolis to Loogootee .....	4 62
From Loogootee to Indianapolis.....	4 65

Have had the same under consideration, and instruct me to report the same back to this House, and recommend that the same be referred to the Committee on Finance, and that the amount be placed in the specific appropriation bill, and that said claim be allowed.

Mr. Claypool submitted the following :

MR. PRESIDENT :

The Committee on Finance, to whom was referred House bill No. 9, the same being a bill to repeal an act entitled an act to ascertain the amount of fees and salaries of the clerks of the Supreme, Circuit and Common Pleas Courts of this State; of the sheriff of the Supreme Court and of the various counties in this State; of county auditors, treasurers and recorders; of circuit and prosecuting attorneys, and to provide punishment for a violation of its provisions, approved June 3, 1861, having properly considered

said bill, have directed me to report the same back, with a recommendation that the bill be indefinitely postponed.

Which was concurred in.

Mr. Hoagland submitted the following:

MR. PRESIDENT:

I am instructed by the Committee on Finance, to whom was referred Senate bill No. 49, "a bill relative to the school tax levied upon corporations, and providing the manner of distribution and loaning of the same, and other matters properly connected therewith," have had the same under consideration, and directed me to report the same back, and recommend that it lie on the table.

The Senate refused to concur in the report, upon a division; affirmative 11, negative 17.

On motion by Mr. March,  
The bill was recommitted to the Judiciary Committee.

On motion of Mr. Cobb,  
The Senate adjourned.

2 o'clock, P. M.

Senate met.

The President laid before the Senate a communication from the Superintendent of the Institute for the Blind, inviting the Senate to witness an exhibition of the method of instruction at Masonic Hall, on Wednesday evening, 11th inst.

Which was referred to the Committee on Benevolent Institutions.

Mr. Wilson offered the following, which was adopted:

WHEREAS, There was raised, by the sale of the sutlers' stands at  
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“Camp Dick Thompson,” near Terre Haute, about \$3,080, during the organization of regiments at said camp:

AND WHEREAS, large sums were raised by the sale of sutlers' stands at the various camps throughout the State, by the persons in command of the same, during the organizations of regiments in the year 1862; therefore,

*Resolved*, That the Military Committee be instructed to inquire into the several amounts so raised at the several camps, and whether the sums so raised have been accounted for to the proper authorities.

Mr. Teegarden presented resolutions adopted at a Union meeting in Laporte county;

Which were read and referred to the Committee on Federal Relations.

Mr. Williams offered the following, which was adopted:

*Resolved*, That the Committee on Finance be instructed to examine and report whether, in their opinion, there has been any violation of the embezzlement laws; and if so, at what time, and by whom, with leave to report by bill or otherwise.

Mr. Corbin introduced

Senate joint resolution No. 9, entitled a joint resolution, requesting our Senators and Representatives in Congress to use their efforts to procure the passage of a law by Congress, for the payment of the soldiers and officers of the army in gold, or its standard value if paid in paper currency;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Davis of Parke introduced

Senate bill No. 86. A bill to amend the first section of an act entitled an act concerning inclosures, trespassing animals, and partition fences;

Which was read the first time, and passed to the second reading on to-morrow.

Mr. Wolfe introduced

Senate bill No. 87, entitled an act to amend section twenty-five of an act providing for the election or appointment of supervisors of highways, and providing certain of their duties, and those of county and township officers in relation thereto, approved March 5, 1859;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Blair introduced

Senate bill No. 88, entitled "an act supplemental to an act entitled an act for the encouragement of agriculture, approved February 17, 1852, and to encourage the organization of horticultural societies ;"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Landers introduced

Senate bill No. 89, entitled "an act for the punishment of officers of elections for receiving the ballots of unqualified persons, and for counting and returning the said votes, for abstracting or destroying ballots voted, so that such votes shall be lost in the count and return, for removing ballots voted, or substituting others instead thereof, for changing the name or office voted for on ballots, for falsely reading or counting any name or office voted for, for writing spurious or false names on any poll-book, for depositing spurious or false ballots, for making false counts of votes, and for making false return of the votes cast at any election authorized by law to be held in this State ;"

Which was read a first time, and passed to a second reading on to-morrow.

Senate bill No. 79 was read a second time.

Mr. Williams moved to amend by striking out the emergency clause.

The bill and amendment was referred to the Committee on the Judiciary.

Senate bill No. 80 was read the second time.

Mr. Wolfe moved to amend by striking out "fifty," and insert "twenty."

On motion by Mr. Cobb,

The bill and amendments were referred to the Temperance Committee.

Senate bill No. 82 was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Claypool introduced

Senate bill No. 90. A bill to authorize the Bank of the State of Indiana to reduce the capital stock of a bank or branches of said bank, and to close up the business and affairs of a bank or branches of said bank under certain regulations, and amendatory of an act entitled "an act to establish a bank, with branches," passed March 3, 1855;

Which was read a first time, and passed to a second reading on to-morrow.

Senate bill No. 81 was read a second time, and referred to the Judiciary Committee.

Senate bill No. 84 was read a second time, and referred to the Judiciary Committee with the following instructions offered by Mr. Landers:

The committee be instructed to consider the expediency of amending the bill so as to give the Recorder the right to issue marriage license.

Senate bill No. 85 was read a second time, and referred to the Judiciary Committee.

Senate joint resolution No. 8 was read a second time, and referred to the Military Committee.

Senate bill No 19 was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke, Graves,	Marshall,
Beeson,	Dickinson, Grubb,	Moore,



Berry,	Douglass,	Hartley,	New,
Blair,	Downey,	Hoagland,	Pleak,
Bradley,	Dunning,	Hord,	Reed,
Browne of R.,	Ferguson,	Johnson,	Teegarden,
Campbell,	Finch,	Landers,	Williams,
Claypool,	Fuller,	McClurg,	Wilson,
Cobb,	Gaff,	Mansfield,	Wolfe, and
Corbin,	Gifford,	March,	Wright—40.
Davis of Cass,			

Nays none.

So the bill passed.

On motion by Mr. Wolfe, the title was amended by striking out the word "value," and inserting the word "amount."

Senate bill No. 16 was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hartley,	New,
Beeson,	Douglass,	Hoagland,	Pleak,
Berry,	Downey,	Hord,	Reed,
Blair,	Dunning,	Johnson,	Shields,
Bradley,	Ferguson,	Landers,	Teegarden,
Browne of R.,	Finch,	McClurg,	Williams,
Cobb,	Fuller,	Mansfield,	Wilson,
Corbin,	Gifford,	March,	Wolfe, and
Davis of Cass,	Graves,	Marshall,	Wright—38.
Davis of Parke,	Grubb,	Moore,	

Noes none.

So the bill passed.

Senate bill No. 20 was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Grubb,	Moore,
Beeson,	Dickinson,	Hartley,	New,
Berry,	Douglass,	Hoagland,	Pleak,
Blair,	Downey,	Hord,	Reed,
Bradley,	Dunning,	Johnson,	Shields,
Browne of R.,	Ferguson,	Landers,	Teegarden,
Campbell,	Finch,	McClurg,	Williams,
Cobb,	Fuller,	Mansfield,	Wilson,
Corbin,	Gifford,	March,	Wolfe, and
Davis of Parke,	Graves,	Marshall,	Wright—39.

Noes none.

So the bill passed.

Senate bill No. 22 was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Grubb,	Moore,
Beeson,	Davis of Cass,	Hartley,	New,
Berry,	Dickinson,	Hoagland,	Pleak,
Blair,	Douglass,	Hord,	Reed,
Bradley,	Downey,	Johnson,	Shields,
Browne of R.,	Dunning,	Landers,	Teegarden,
Campbell,	Ferguson,	McClurg,	Williams,
Claypool,	Fuller,	Mansfield,	Wilson,
Cobb,	Gifford,	March,	Wolfe, and
Corbin,	Graves,	Marshall,	Wright—39.

Nays none.

So the bill passed.

Senate bill No. 24 was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Graves,	Marshall,
Beeson,	Dickinson,	Grubb,	Moore,
Berry,	Douglass,	Hartley,	New,
Blair,	Downey,	Hoagland,	Pleak,
Bradley,	Dunning,	Hord,	Reed,
Browne of R.,	Ferguson,	Johnson,	Shields,
Campbell,	Finch,	Landers,	Teegarden,
Claypool,	Fuller,	McClurg,	Williams,
Corbin,	Gaff,	Mansfield,	Wilson, and
Davis of Parke,	Gifford,	March,	Wright—39.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs. Cobb and Wolfe—2.

So the bill passed.

Senate bill No. 26 was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Graves,	Marshall,
Beeson,	Douglass,	Grubb,	Moore,
Berry,	Downey,	Hartley,	New,
Bradley,	Dunning,	Hoagland,	Pleak,
Browne of R.,	Ferguson,	Hord,	Teegarden,
Campbell,	Finch,	Johnson,	Williams,
Claypool,	Fuller,	Landers,	Wilson,
Corbin,	Gaff,	McClurg,	Wolfe, and
Davis of Parke,	Gifford,	Mansfield,	Wright—36.
Davis of Cass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.

Blair, Cobb, March, and Shields—4.

So the bill passed.

Senate bill No. 32 was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Fuller,	March,
Beeson,	Davis of Cass,	Gifford,	Marshall,
Berry,	Dickinson,	Graves,	New,
Blair,	Douglass,	Grubb,	Pleak,
Browne of R.,	Downey,	Hord,	Reed,
Campbell,	Dunning,	Landers,	Teegarden,
Cobb,	Ferguson,	McClurg,	Wolfe, and
Corbin,	Finch,	Mansfield,	Wright—31.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Gaff,	Moore,	Williams, and
Bradley,	Hartley,	Shields,	Wilson—9.
Claypool,	Johnson,		

So the bill passed.

Senate bill No. 30 was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Grubb,	Moore,
Beeson,	Dickinson,	Hartley,	New,
Berry,	Douglass,	Hoagland,	Pleak,
Blair,	Downey,	Hord,	Reed,
Bradley,	Dunning,	Johnson,	Shields,
Browne of R.,	Ferguson,	Landers,	Teegarden,
Campbell,	Finch,	McClurg,	Williams,
Claypool,	Fuller,	Mansfield,	Wilson,
Cobb,	Gaff,	March,	Wolfe, and
Corbin,	Gifford,	Marshall,	Wright—40.
Davis of Parke,			

Nays none.

So the bill passed.

Mr. Shields offered the following, which was adopted :

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of so amending the present law as to authorize the Board of County Commissioners to bring suit upon the bonds of defaulting Township Trustees, and defining the mode of instituting such suits.

On motion by Mr. Cobb,

The Senate adjourned.

FRIDAY, 9 o'clock, A. M., }  
February 6, 1863. }

The Senate met.

The Journal of yesterday was read and approved.

Mr. Wilson submitted the following, which was concurred in :

MR. PRESIDENT :

The Committee on Banks, to whom was referred Senate bill No. 60, "a bill to detect and prevent the circulation of counterfeit, altered, and worthless paper currency, and prescribing the duties of banks in relation thereto," have had the same under consideration, and directed me to report the same back, and recommend that it lie upon the table.

Mr. Shields introduced

Senate bill No. 91. Entitled an act to amend the first section of an act entitled an act authorizing appeals from circuit courts to the supreme court, in contested election cases, approved March 21, 1859;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wilson introduced

Senate bill No. 92. An act to empower banks organized under the "act to amend an act to authorize and regulate the business of general banking," passed March 3, 1855, to change the place of business, and prescribing the terms and manner of doing the same.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Johnson asked and obtained leave of absence for Mr. Finch, on account of sickness.

Mr. Hoagland introduced

Senate bill No. 93, entitled an act to extend the time for the completion of railroads in all cases in which \$2,000 per mile has been expended in their construction, and declaring at what time the act shall take effect and be in force ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Browne of Randolph, moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken, resulted as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Gifford,	March,
Beeson,	Dickinson,	Graves,	Marshall,
Berry,	Douglass,	Grubb,	Moore,
Blair,	Downey,	Hartley,	Pleak,
Bradley,	Dunning,	Hoagland,	Shields,
Browne of R.,	Ferguson,	Hord,	Teegarden,
Brown of Wells,	Finch,	Johnson,	Williams,
Claypool,	Fuller,	McClurg,	Wilson, and
Cobb,	Gaff,	Mansfield,	Wright—35.
Corbin,			

Mr. Davis of Cass voted in the negative.

So the motion was agreed to, and the bill read a second time by title, and referred to the Judiciary Committee.

Mr. Graves introduced



Senate bill No. 94, entitled an act for the relief of purchasers of Swamp Lands, where the sale and conveyance thereof to such purchasers was invalid, and conveyed no good sufficient title therefor, or where the title to such lands may have failed after the sale thereof, and also declaring when such act shall take effect ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Teegarden introduced

Senate bill No. 95. "An act supplemental to 'An act regulating interest on money, and to repeal an act entitled an act concerning interest on money, approved May 27, 1862, the fifty-first section of the act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1862, and all other laws and parts of laws in conflict with this act,'" approved March 7, 1861 ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. March introduced

Senate bill No. 96. A bill requiring the Clerk of the Common Pleas and Circuit Courts, and County Auditor, to make indexes to records in certain cases ;

Which was read a first time, and passed to a second reading on to-morrow.

A message from the Governor :

STATE OF INDIANA,  
EXECUTIVE DEPARTMENT,  
*Indianapolis, February 4, 1863.* }

*To the General Assembly of the State of Indiana :*

Owing to the immense drafts that have been made on the Treasury of the United States, the Government has been unable to promptly pay the troops the wages to which they are entitled. To most of the soldiers four months pay is due, and to many of them six.

I am informed, however, that enough money has recently been furnished to the Pay-Masters to pay all arrearages up to the 1st day of November last, which will still leave due and unpaid, their wages for two months, ending on the 1st day of January.

The failure by the Government to pay the army the money due to it at the period fixed by law for its payment, which is every two months, operates with great hardship upon the wives, children and parents who are dependant upon it for support.

The compensation of the private soldier is small, and if the payment of it be greatly delayed, much suffering must ensue. The brave and generous men who have gone to the field to peril their lives in battle, and endure the hardships of war, should not be allowed to feel that the payment of their scanty compensation is delayed, if there be any means by which delay can be avoided.

The soldier needs money while in camp and on the march, and often suffers greatly in health and comfort for want of it.

The Government, I believe, is doing all in its power to meet its engagements promptly, but the question is whether the State could not, without serious detriment to herself, remove the difficulty so far as the Indiana troops are concerned, by advancing their unpaid wages.

If proper Legislative authority were given, the State could, I have no doubt, borrow of the banks or individuals in Indiana, New York or other places, at legal interest, enough money for the purpose, and an arrangement could be made with the Secretary of the Treasury, by which the amount advanced should be refunded to the State by the United States, whenever the Government was able to pay the same to the troops, if they had not been paid by the State.

The State would be re-imbursed for her expenditures probably every sixty or ninety days, and the interest paid upon the loans would be trifling, compared with the amount of good that would be accomplished, and the interest would no doubt be refunded by the Government.

The plan for doing it, I would briefly suggest as follows:—Let the officers and soldiers, in proper form, assign the pay due them to the Treasurer of the State, with a direction in the assignment to whom the money should be paid by the State. If the money is to be paid to the family or friends of the officer or soldier, living in the State, it can be done through the Treasurer of the county in which such persons live. If the money is to be sent to the soldier in the field, it can be done by Federal Pay-masters under an arrangement with the Pay-master General at Washington, or if it be preferred, the money can remain in the State Treasury, as a deposit, subject to the order, at any time, of the person entitled to draw it.

Upon the pay-rolls thus assigned to the Treasurer of the State, he can, from time to time, settle with the United States, and receive back the monies advanced.

The measure proposed has several important advantages :

*First.* By the prompt payment of the troops, a prolific source of discontent and desertion is removed.

*Secondly.* Officers and men are enabled to provide for their own necessities in the field, and for the support of their families and dependent ones at home.

*Thirdly.* By the plan proposed of paying through the County Treasurers, families and dependent ones at home will receive a large amount which would never reach them, even though it were promptly paid to those entitled while they were in the field.

*Fourthly.* Much money would be held in trust, as a deposit in the State Treasury, which, if paid to the soldiers in the field, would be squandered or lost.

The recommendation is not intended to be confined to pay now in arrear, but to apply in the future, when the Government is unable to promptly meet its engagements with the army.

Should the plan suggested not be deemed feasible or the best, I will cheerfully co-operate with you in the adoption of any other, by which the main purpose, the prompt payment of Indiana troops, can be accomplished.

I would respectfully invite your early consideration on this subject.

O. P. MORTON,

*Governor of Indiana.*

On motion by Mr. Claypool,

The communication was referred to the Committee on Finance.

Mr. Hartley introduced

Senate bill No. 97, entitled an act to provide for the regulation of fare charged by railroad corporations or companies for the transportation of passengers on railroads, and prescribing penalties for the violation of this act;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Culver presented a petition from sundry persons of Tippecanoe county, against abolishing the Court of Common Pleas;

Which was read and referred to the Committee on the Organization of Courts.

A message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

House bill No. 4, entitled "an act to amend the 406th section of an act entitled an act to revise, simplify, and abridge the rules, practice, pleading, and forms in civil cases, in the courts of this State ; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

House bill No. 18. An act to amend section six of an act entitled "An act regarding estrays and articles adrift," approved June 16, 1852.

House bill No. 22. An act to amend section 27 of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of Court incident thereto," approved May 13, 1852.

House bill No. 28. An act to amend an act entitled "An act to amend the third section of an act entitled 'an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act,' " approved Feb. 26, 1857, which latter act was approved March 9, 1861.

House Bill No. 29. An act entitled "An act to amend the thirty-seventh section of an act entitled 'an act defining misdemeanors, and prescribing punishment therefor,' " approved June 14, 1852.

House bill No. 59. An act to empower sheriffs to offer lands and other property for sale on execution, at the door of the clerk's office, in counties where there are no court houses.

House bills Nos. 18, 22, 28, 29, and 59,

Were severally read a first time, and passed to a second reading on to-morrow.

Senate bill No. 86 was read a second time, and referred to the Committee on Agriculture.

Senate bill No. 87 was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 88 was read a second time, and referred to the Committee on Agriculture.

Senate bill No. 89 was read a second time, and referred to the Committee on Elections.

Senate bill No. 90 was read a second time, and referred to the Committee on Banks, with the following amendment offered by Mr. March :

After the closing up of the business of any branch, under the provisions of this act, it shall not be in the power of the bank to re-establish said bank at the same or any other place in this State.

Senate joint resolution No. 9 was read a second time, and referred to the Military Committee.

Senate bill No. 33 was read a third time.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Grubb,	Marshall,
Beeson,	Davis of Parke,	Hartley,	Moore,
Berry,	Davis of Cass,	Hoagland,	New,
Blair,	Dickinson,	Hord,	Pleak,
Bradley,	Douglass,	Jenkins,	Reed,
Browne of R.,	Downey,	Johnson,	Shields,
Brown of W.,	Dunning,	Landers,	Teegarden,
Campbell,	Fuller,	McClurg,	Wilson,
Claypool,	Gaff,	Mansfield,	Wolfe, and
Cobb,	Gifford,	March,	Wright—40.
Corbin,	Graves,		

Nays none.

So the bill passed.

Senate bill No. 35 was read a third time,

Which,

On motion by Mr. Downey,  
Was passed over.

Senate bill No. 45 was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Cobb,	Gifford,	Landers,
Beeson,	Culver,	Graves,	Mansfield,
Berry,	Davis of Parke,	Grubb,	March,
Bradley,	Dickinson,	Hoagland,	New,
Browne of R.,	Douglass,	Hord,	Pleak, and
Brown of Wells,	Dunning,	Johnson,	Teegarden—24.
Claypool,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Hartley,	Shields,
Blair,	Downey,	McClurg,	Wolfe, and
Campbell,	Fuller,	Marshall,	Wright—14.
Corbin,	Gaff,	Moore,	

The bill failed to pass for want of a constitutional majority.

Mr. Cobb moved a recount.

The bill was recommitted, with the following instructions by Mr. Blair:

Amend so as to provide that the amount of the bond shall not be less than five nor more than fifty thousand dollars, the amount to be fixed by the board of county commissioners in each county.

By Mr. Johnson:

So amend as to require a bond in double the amount that pass through his hands.



The Senate resumed the consideration of Senate bill No. 35.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Mansfield,	Ray,
Blair,	Ferguson,	March,	Reed,
Browne of R.,	Hartley,	Moore,	Teegarden, and
Brown of Wells,	Hord,	Pleak,	Wright—17.
Downey,	Landers,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Corbin,	Gaff,	McClurg,
Beeson,	Davis of Parke,	Gifford,	Marshall,
Berry,	Davis of Cass,	Graves,	New,
Bradley,	Dickinson,	Grubb,	Shields,
Campbell,	Douglass,	Hoagland,	Wilson, and
Claypool,	Fuller,	Johnson,	Woolfe—23.

So the bill did not pass.

Senate bill No. 28 was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hartley,	New,
Beeson,	Dickinson,	Hoagland,	Pleak,
Berry,	Douglass,	Hord,	Ray,
Blair,	Downey,	Johnson,	Reed,
Bradley,	Dunning,	Landers,	Shields,
Browne of R.,	Ferguson,	McClurg,	Teegarden,
Brown of Wells,	Fuller,	Mansfield,	Williams,
Campbell,	Gaff,	March,	Wilson,
Claypool,	Gifford,	Marshall,	Wolfe, and
Corbin,	Graves,	Moore,	Wright—41.
Davis of Parke,	Grubb,		

So the bill passed.

On motion by Mr. Browne of Randolph,

The Senate adjourned.

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2 O'CLOCK, P. M.

Mr. Bradley asked and obtained leave of absence for the Committee on Banks for a few minutes.

A message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following engrossed bill thereof.

House bill No. 140. An act to authorize the chairmen of the committees appointed by either House, or both Houses of the General Assembly to administer oaths to witnesses testifying, or called to testify before such committees;

In which the concurrence of the Senate is respectfully requested.

House bill No. 140 was read a first time, and passed to a second reading on to-morrow.

House bill No. 4 was read a first time, and passed to a second reading on to-morrow.

Mr. Browne of Randolph, offered the following, which was adopted :

*Resolved*, That the Committee on Finance be directed to inquire into the expediency of affording relief to borrowers from the Sinking Fund, by giving them additional time for the payment of the principal due, upon the payment of legal interest, and if found expedient, that the committee report a bill on that subject without delay.

Mr. Bearss introduced

Senate bill No. 98, entitled "an act to repeal all provisions of acts of incorporations heretofore passed, requiring any company, or companies, to complete any plank road, gravel road, or McAdam-

ized road, and authorizing said companies, in certain cases, to collect toll on said road;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Wolfe introduced.

Senate bill No. 99, entitled "an act to provide for issuing fee bills and executions against sureties in appeal bonds, in cases appealed to the Circuit or Common Pleas Court;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Ferguson introduced

Senate bill No. 100, entitled "a bill to authorize the deposition of parties in actions, to be taken and read in evidence;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wolfe introduced

Senate bill No. 101, entitled "an act to amend section 40 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Ray introduced

Senate bill No. 102. An act to authorize the Board of Directors of the Bank of the State of Indiana to remove any of its branches for the redemption of the notes of such branches, and providing the conditions on which this act shall take effect;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wolfe offered the following, which was adopted:

*Resolved*, That each member of the Senate be directed to furnish the presiding officer with the distances by the usually traveled

route from his residence to the capital, to enable the presiding officer to make out certificates for the pay of members for such mileage.

On motion by Mr. Wolfe,  
The Senate took a recess for one hour.

On motion by Mr. Browne of Randolph,  
The Senate adjourned.

SATURDAY, 9 o'clock, A. M., }  
February 7, 1863. }

The Senate met.

The journal was being read, when

Mr. Cobb moved the suspension of its further reading.

Mr. Ray presented a memorial from sundry persons from Franklin Township, Marion county, praying the members of the Legislature to use their utmost efforts to enforce the provision of our State Constitution which prohibits the importation and immigration of negroes and mulattos into the State;

Which was read, and referred to the Committee on Rights and Privileges.

Mr. Davis of Cass submitted the following report:

MR. PRESIDENT:

The Committee on Corporations, to which was referred Senate bill No. 72, introduced by Mr. Gaff, have had the same under consideration, and have directed me to report the same back without any recommendation.

On motion by Mr. Shields,  
The bill was referred to the Judiciary Committee.

Mr. Fuller submitted the following report:

The committee, to whom was referred Senate bill No. 73, have had the same under consideration, and report the same back and recommend its passage ;

Which was concurred in.

Mr. Beeson submitted the following report :

MR. PRESIDENT :

The Committee on Banks, to whom was referred Senate bill No. 90, being a bill to authorize the Bank of the State of Indiana to reduce the capital stock of a branch or branches of said bank, and to close up the business and affairs of a branch or branches of said bank, under certain regulations ; and amendatory of an act entitled "an act to establish a bank with branches," passed March 3, 1855, have had the same under advisement, and have directed me to report the same back and recommend its passage.

Which was concurred in.

Mr. Cobb introduced

Senate joint resolution No. 10, entitled a joint resolution in relation to the enlistment and arming of negroes in the army of the United States ;

Which was read a first time.

Mr. March asked and obtained leave of absence for Mr. Downey for five days.

Mr. Cobb moved to suspend the rules, that the joint resolution may be read a second time now.

The ayes and noes being taken, resulted as follows—ayes 24, noes 14:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Fuller,	Jenkins,	Moore,
Brown of Wells,	Gaff,	Johnson,	Pleak,
Cobb,	Gifford,	Landers,	Ray,
Corbin,	Graves,	McClurg,	Shields,
Davis of Cass,	Hartley,	March,	Williams, and
Douglass,	Hoagland,	Marshall,	Wolfe—24.
Dunning,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Grubb,	Teegarden,
Bearss,	Campbell,	Mansfield,	White, and
Beeson,	Claypool,	Reed,	Wright—14.
Blair,	Davis of Parke,		

So the rules were not suspended.

Mr Landers introduced

Senate bill No. 103, entitled an act to amend sections 18 and 26 of an act regulating general elections, and prescribing the duties of officers in relation thereto, approved June 7, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wolfe submitted the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 25, have had the same under consideration, and have directed me to report the same back to the Senate for its action, without any recommendation ;

Which,

On motion by Mr. Wolfe,

Was referred to the Judiciary Committee.

On motion by Mr. Brown of Wells,

Mr. Graves was added to the special committee to which was referred Senate bill No. 48.

Mr. Corbin submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred a resolution by the Senator from Clinton, inquiring into the expediency of amending the law of courts and practice therein, requiring judges of circuit and common pleas courts of this State,



to deliver their charges to the jury after the evidence is concluded, and before the argument of counsel is commenced, have had the same under consideration, and direct me to report the same back, with the recommendation that further legislation thereon is inexpedient.

Senate bill No. 39 was read a third time.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Grubb,	Marshall,
Bearss,	Davis of Parke,	Hartley,	Pleak,
Beeson,	Davis of Cass,	Hoagland,	Ray,
Berry,	Dickinson,	Jenkins,	Reed,
Blair,	Douglass,	Johnson,	Shields,
Browne of R.,	Fuller,	Landers,	Teegarden,
Campbell,	Gaff,	McClurg,	White,
Claypool,	Gifford,	Mansfield,	Wolfe, and
Cobb,	Graves,	March,	Wright—36.
Corbin,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs. Moore—1.

So the bill passed.

Senate bill No. 52 was read the third time.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Hartley,	New,
Bearss,	Davis of Cass,	Hoagland,	Pleak,
Beeson,	Dickinson,	Jenkins,	Ray,
Berry,	Douglass,	Johnson,	Shields,
Browne of R.,	Dunning,	Landers,	Teegarden,
Brown of Wells,	Fuller,	McClurg,	White,
Campbell,	Gifford,	Mansfield,	Williams,
Claypool,	Graves,	March,	Wolfe, and
Cobb,	Grubb,	Moore,	Wright—38.
Corbin,			

So the bill passed.

Senate bill No. 51 was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hartley,	New,
Bearss,	Davis of Cass,	Hoagland,	Pleak,
Beeson,	Dickinson,	Jenkins,	Ray,
Berry,	Douglass,	Johnson,	Reed,
Brown of R.,	Dunning,	Landers,	Shields,
Brown of Wells,	Fuller,	McClurg,	Teegarden,
Campbell,	Gaff,	Mansfield,	White,
Caypool,	Gifford,	March,	Williams,
Cobb,	Graves,	Marshall,	Wolfe, and
Corbin,	Grubb,	Moore,	Wright—40.
Culver,			

So the bill passed.

Senate bill No. 59 was read the third time.

Mr. March moved to recommit the bill to the Judiciary Committee, with the following instructions:

Add the following section before the last, changing the number of sections accordingly:

That section seven of "An act relating to the printing, binding, and distribution of the session acts, House, Senate, and Documentary journals, declaring who shall be entitled to a copy of the same, authorizing the Secretary of State to dispose of copies of acts by sale, when called for, and allowing such Secretary a compensation for superintending such printing, binding, and distribution," approved March 7, 1857, be and the same is hereby repealed.

The motion was agreed to.

Senate bill No. 62 was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Corbin,	Graves,	Moore,
Bearss,	Culver,	Grubb,	New,
Beeson,	Davis of Parke,	Hartley,	Pleak,
Berry,	Davis of Cass,	Hoagland,	Ray,
Blair,	Dickinson,	Jenkins,	Reed,
Browne of R.,	Douglass,	Landers,	Teegarden,
Brown of Wells,	Dunning,	McClurg,	Williams,
Campbell,	Fuller,	Mansfield,	Wolfe, and
Claypool,	Gaff,	March,	Wright—38.
Cobb,	Gifford,	Marshall,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs. Johnson, Shields, and White—3.

So the bill passed.

Senate bill No. 66 was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Hartley,	New,
Bearss,	Davis of Parke,	Hoagland,	Pleak,
Beeson,	Davis of Cass,	Jenkins,	Ray,
Berry,	Dickinson,	Johnson,	Reed,
Blair,	Douglass,	Landers,	Shields,
Browne of R.,	Dunning,	McClurg,	Teegarden,
Brown of Wells,	Fuller,	Mansfield,	White,
Campbell,	Gaff,	March,	Williams,
Claypool,	Gifford,	Marshall,	Wolfe, and
Cobb,	Graves,	Moore,	Wright—41.
Corbin,	Grubb,		

Nays none.

So the bill passed.

Senate bill No. 69 was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Corbin,	Gaff,	New,
Bearss,	Culver,	Gifford,	Pleak,
Berry,	Davis of Parke,	Grubb,	Reed,
Blair,	Davis of Cass,	Hartley,	Teegarden,
Browne of R.,	Dickinson,	McClurg,	White,
Campbell,	Douglass,	Mansfield,	Williams,
Claypool,	Dunning,	March,	Wolfe, and
Cobb,	Fuller,	Marshall,	Wright—31.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Graves,	Johnson,	Moore, and
Beeson,	Hoagland,	Landers,	Shields—9.
Brown of Wells, Jenkins,			

So the bill passed.

Senate bill No. 74 was read a third time.

The question being, shall the bill pass?

On motion by Mr. Wolfe,  
The bill was passed over for the present.

Senate bill No. 76 coming up,

On motion by Mr. Shields,  
Was passed over for the present.

Senate bill No. 82 was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hoagland,	Pleak,
Bearss,	Dickinson,	Landers,	Ray,
Berry,	Douglass,	March,	Teegarden,
Cobb,	Dunning,	Marshall,	White,
Corbin,	Gifford,	Moore,	Wolfe, and
Culver,	Grubb,	New,	Wright—25.
Davis of Cass, Hartley,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Graves,	Mansfield,
Beeson,	Claypool,	Jenkins,	Shields, and
Blair,	Fuller,	Johnson,	Williams—15.
Brown of R., Gaff, McClurg,			

So the bill failed to pass for want of a constitutional majority.

Senate bill No. 87 was read a third time.

The question being, shall the bill pass?

Mr. Johnson made an ineffectual motion to refer the bill, with instructions to strike out 30 and insert 15, to the Committee on Roads and Highways.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Corbin,	Graves,	Mansfield,
Bearss,	Culver,	Grubb,	March,
Beeson,	Davis of Parke,	Hartley,	Marshall,
Berry,	Davis of Cass,	Hoagland,	Pleak,
Blair,	Dickinson,	Jenkins,	Ray,
Browne of R.,	Dunning,	Johnson,	Shields,
Brown of Wells,	Fuller,	Landers,	White, and
Claypool,	Gaff,	McClurg,	Wolfe—33.
Cobb,	Gifford,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Teegarden,	Wright—6.
Campbell,	Moore,	Williams, and	

So the bill passed.

Senate bill No. 90 was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	Gifford,	Mansfield,
Bearss,	Cobb,	Grubb,	March,
Beeson,	Corbin,	Hoagland,	Marshall,
Berry,	Culver,	Jenkins,	New,
Blair,	Davis of Parke,	Johnson,	Pleak,
Browne of R.,	Douglass,	Landers,	Ray, and
Brown of Wells,	Dunning,	McClurg,	Teegarden—29.
Campbell,	Gaff,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Hartley,	White,	Wolfe, and
Davis of Cass,	Moore,	Williams,	Wright—9.
Fuller,	Shields,		

So the bill passed.

Senate bill No. 73 was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hoagland,	New,
Beeson,	Davis of Cass,	Jenkins,	Pleak,
Berry,	Dickinson,	Johnson,	Ray,
Blair,	Douglass,	Landers,	Shields,
Browne of R.,	Dunning,	McClurg,	Teegarden,
Brown of Wells,	Fuller,	Mansfield,	White,
Campbell,	Gaff,	March,	Williams,
Claypool,	Gifford,	Marshall,	Wolfe, and
Corbin,	Grubb,	Moore,	Wright—37.
Culver,	Hartley,		

Mr. Cobb voted in the negative, and Mr. Graves was excused.

So the bill passed.

Senate joint resolution No. 5 was read a third time.

The question being shall the joint resolution pass.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Davis of Parke,	Hartley,	New,
Berry,	Davis of Cass,	Hoagland,	Pleak,
Blair,	Dickinson,	Jenkins,	Ray,
Browne of R.,	Douglass,	Johnson,	Shields,
Brown of Wells,	Dunning,	Landers,	Teegarden,
Campbell,	Fuller,	McClurg,	White,
Claypool,	Gaff,	Mansfield,	Williams,
Cobb,	Gifford,	March,	Wolfe, and
Corbin,	Graves,	Marshall,	White—38.
Culver,	Grubb,	Moore,	



Nays none.

So the joint resolution passed.

On motion of Mr. March,  
A recount was had on the Senate bill No. 82.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Graves,	Marshall,
Berry,	Davis of Parke,	Grubb,	Moore,
Brown of Wells,	Dickinson,	Hoagland,	New,
Claypool,	Douglass,	Jenkins,	Pleak,
Cobb,	Dunning,	Landers,	Ray,
Corbin,	Gaff,	McClurg,	Teegarden, and
Culver,	Gifford,	March,	Wolfe—27.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Johnson,	White,
Blair,	Fuller,	Mansfield,	Williams, and
Brown of R.,	Hartley,	Shields,	Wright—11.

So the bill passed.

Senate bill No. 91 was read a second time ;

Which on motion by Mr. Shields,  
Was referred to the Committee on the Judiciary.

Senate bill No. 92 was read a second time ;

Which, on motion by Mr. Brown of Wells,  
Was referred to the Committee on Banks.

Mr. Claypool offered the following resolution :

*Resolved*, That when the Senate adjourn, it adjourn until Monday next at 2 o'clock P. M.

The ayes and nays were demanded by Messrs Moore and March,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	Hartley,	New,
Berry,	Cobb,	Landers,	Reed,

Blair,	Gaff,	McClurg,	White, and
Campbell,	Grubb,	Mansfield,	Wright—15.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Dickinson,	Jenkins,	Ray,
Browne of R.,	Douglass,	Johnson,	Shields,
Brown of Wells,	Dunning,	March,	Teegarden,
Culver,	Fuller,	Marshall,	Williams, and
Davis of Parke,	Gifford,	Moore,	Wolfe—22.
Davis of Cass,	Graves,	Pleak,	

So the resolution failed.

Mr. Brown of Well moved to reconsider the vote just taken.

Mr. Wolfe moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Dickinson and Moore, which being taken, resulted as follows: Ayes 21, noes 17.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Johnson,	Ray,
Browne of R.,	Fuller,	Landers,	Shields,
Corbin,	Gaff,	March,	Teegarden,
Davis of Parke,	Gifford,	Moore,	Williams, and
Dickinson,	Hoagland,	Pleak,	Wolfe—21.
Douglass,	Jenkins,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Hartley,	New,
Berry,	Cobb,	McClurg,	Reed,
Blair,	Davis of Cass,	Mansfield,	White, and
Brown of Wells,	Graves,	Marshall,	Wright—17.
Campbell,	Grubb,		

So the motion was agreed to.

Senate bill No. 94 was read a second time, by title only, and was referred to the Committee on Swamp Lands.

Senate bill No. 95 was read a second time, and was referred to the Judiciary Committee.

Senate bill No. 96 was read a second time.

Mr. Wolfe moved to strike out all that refers to pay for making indexes.

On motion by Mr. March,

The bill and pending amendment were referred to the Committee on the Judiciary.

Senate bill No. 97 was read a second time, and referred to the Committee on Corporations.

Senate bill No. 98 was read a second time, and was referred to the Committee on Corporations.

Senate bill No. 99 was read a second time, and was referred to the Committee on the Judiciary.

Senate bill No. 100 was read a second time, and was referred to the Committee on the Judiciary.

Senate bill No. 101 was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 102 was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 59 was read a second time, and referred to the Committee on the Judiciary.

House bill No. 4 was read a second time, and referred to the Committee on the Judiciary.

House bill No. 18 was read a second time, and referred to the Committee on the Judiciary.

House bill No. 22 was read a second time, and referred to the Committee on the Judiciary.

House bill No. 28 was read a second time, and was referred to the Committee on Agriculture.

House bill No. 29 was read a second time, and was referred to the Committee on Rights and Privileges.

House bill No. 140 was read a second time, and ordered to be engrossed.

A message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the House has adopted the following concurrent resolution :

WHEREAS, His Excellency, Governor O. P. Morton, in his special message to the Legislative Department of the State of Indiana, on February 4, 1863, has advised that negotiations be instituted with the Secretary of the Treasury and the Paymaster General of the United States, to the end that the State of Indiana may assume the payment of the amount now in arrears due the soldiers thereof, as well as to insure more prompt payment in the future, said Secretary and Paymaster agreeing to re-imburse such parties as may be willing to advance said money upon the credit of the State; therefore, be it

*Resolved by the House of Representatives, the Senate concurring,* That a joint committee of two Representatives and one Senator, to be appointed by the Speaker of the House and the President of the Senate respectively, be instructed to correspond, without delay, with the Secretary of the Treasury and the Paymaster General of the United States to ascertain whether the relief contemplated in his excellency's special message can be attained; and that Messrs. Hanna and Van Buskirk have been appointed on the part of the House;

In which the concurrence of the Senate is respectfully requested.

The Senate concurred in the House resolution.

A message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following engrossed bill of the Senate, to-wit :

An act to amend section 9 of an act of amendment, approved March 9, 1861, of an act approved February 12, 1855, amending

section 2 of an act concerning the organization of voluntary associations, and repealing former laws in reference thereto ;

With the following amendment to the title of said bill, to-wit :

Amend the title of the act so as to read : "An act to amend section 9 of an act entitled "an act to amend section 2 of an act entitled an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12, 1855, approved March 9, 1861 ;

In which amendment to the title of said bill the concurrence of the Senate is respectfully requested.

The House amendment was concurred in by the Senate.

Mr. Blair offered the following :

*Resolved*, That when the Senate adjourn, that it adjourn to meet at 9 o'clock, A. M., on Monday next, in order that this afternoon may be employed by the meeting of the various Senate committees.

Mr. Claypool moved to amend by striking out "9," and insert "2 o'clock and 15 minutes P. M."

Mr. Wolfe moved to lay this amendment on the table.

The ayes and noes were demanded by Messrs. Moore and March, and being taken, resulted as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Jenkins,	Ray,
Blair,	Fuller,	Johnson,	Shields,
Browne of R.,	Gifford,	March,	Teegarden,
Corbin,	Graves,	Moore,	Williams, and
Dickinson,	Hoagland,	Pleak,	Wolfe—20.
Douglass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Cobb,	Hartley,	New,
Berry,	Davis of Parke,	McClurg,	Reed,
Brown of Wells,	Davis of Cass,	Mansfield,	White, and
Campbell,	Gaff,	Marshall,	Wright—16.
Claypool,			

S. J.—18

So the amendment lies on the table.

The question recurring on the adoption of the resolution,

The ayes and nays were demanded by Messrs. Brown of Wells, and Dickinson, and, being taken, resulted as follows: Ayes 17, noes 19.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Cobb,	Graves,	Moore,
Berry,	Davis of Parke,	McClurg,	New,
Blair,	Dunning,	March,	Reed, and
Brown of R.,	Fuller,	Marshall,	Wright—17.
Brown of Wells,	Gaff,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Dickinson,	Jenkins,	Shields,
Campbell,	Douglass,	Johnson,	Teegarden,
Claypool,	Gifford,	Mansfield,	White,
Corbin,	Hartley,	Pleak,	Williams, and
Davis of Cass,	Hoagland,	Ray,	Wolfe—19.

So the resolution was rejected.

Mr. Wolfe moved that the Senate adjourn.

The ayes and noes were demanded by Messrs. Claypool, Brown of Wells, Browne of Randolph, Blair and Marshall, and being taken, resulted as follows: ayes 16, nays 19.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Graves,	Ray,
Berry,	Dunning,	Hoagland,	Teegarden,
Corbin,	Fuller,	Mansfield,	Williams, and
Davis of Parke,	Gaff,	Pleak,	Wolfe—16.
Davis of Cass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Jenkins,	Moore,
Blair,	Cobb,	Johnson,	Reed,
Browne of R.,	Dickinson,	McClurg,	Shields,



Brown of Wells, Gifford,	March,	White, and
Campbell, Hartley,	Marshall,	Wright—19,

So the motion was rejected.

The President announced the select committee, to whom was referred that portion of the Governor's message relating to the death of Professor Fletcher, to consist of Messrs. Downey, Wilson, New, Blair and Johnson.

On motion by Mr. Gifford,  
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

On motion by Mr. Williams,  
The President being absent, Mr. Cobb took the chair.

Mr. Ray presented the petition of Henry W. Rofert, concerning Swamp Land certificate, which was read and referred to a select committee of three, which committee the President, *pro tem.*, announced to consist of Messrs. Ray, New and Wolfe.

Mr. New introduced the following resolution, which was rejected:

*Resolved*, That when the Senate adjourn, it be until Monday, at 10 o'clock, A. M.

On motion by Mr. Fuller,  
The Senate adjourned.

MONDAY, 9 o'clock, A. M., }  
February 9, 1863. }

Senate met.

The Journal of Saturday was read and approved.

Mr. Browne of Randolph submitted the following report, which was concurred in.

MR. PRESIDENT :

The Committee on the Judiciary, to which was referred Senate bill No. 93. "A bill to extend the time for completion of railroads in all cases in which \$2,000 per mile has been expended in their construction, and declaring at what time the act shall take effect," have had the same under advisement, and have directed me to report the same back to the Senate, with the following amendments, and when the bill shall be so amended, the committee unanimously recommend its passage.

Amend the bill as follows :

Add at the end of section two, these words, "Nor shall this act save any corporation or company from the effect of anything done or omitted, except a failure to complete its road, as provided therein."

Add before emergency section the following :

"Section 3. This act may be amended or repealed at the discretion of the Legislature."

Change the number of the sections to correspond.

Mr. March offered the following, which was adopted :

*Resolved*, That the Clerks of the Committees on the Judiciary and Finance be directed, under the direction of the chairman of said committees, when not employed in the other service of said committees, to make out an abstract of the reports of fees filed with various County and State Offices, filed with the Auditor of State.

The President announced the special committee on the part of the Senate, to correspond with the Secretary of the Treasury, and the Pay-master General of the United States, in reference to the relief contemplated in his Excellency, Governor O. P. Morton's special message, to consist of Senator Ray.

Mr. Ray submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred House bill No. 15, have had the same under consideration, and have directed me to report the same back, with the recommendation that it pass.

Senate bill No. 103, entitled an act to amend sections eighteen and twenty-six of "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7, 1852;

Was read the second time, and referred to the Committee on Elections.

Senate joint resolution No. 10, entitled a joint resolution in relation to the enlistment and arming of negroes in the army of the United States;

Was read a second time, and

Mr. Browne of Randolph moved to refer the resolutions to the Committee on Military Affairs.

On motion by Mr. Williams,

The further consideration of the question was postponed until 2 o'clock P. M.

A message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

House bill No. 20. An act to amend section forty-six of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and

matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith.

House bill No. 54. An act to authorize county treasurers to offer lands delinquent for taxes for sale at the Auditor's office.

House bill No. 66. An act to amend the act entitled "an act to incorporate the Wabash Navigation Company," approved January 13, 1846, and to authorize the said company to raise money when necessary to make repairs on their works.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 20, 66, and 54, contained in the foregoing message, were severally read a first time, and passed to a second reading on to-morrow.

Mr. Graves introduced

Senate bill No. 104, entitled a bill for carrying out the sixth section of the 12th Article of the Constitution;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Douglass introduced

Senate bill No. 105, entitled an act to amend sections 12, 13, 25, 27, 32, 33, 43, 97, 107, 125, 156 and 162 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, and to repeal section 137 of said act;

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Gifford,  
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

On motion by Mr. Cobb,

A call of the Senate was ordered, and being taken, the following Senators answered to their names :

Messrs.	Culver,	Graves,	Moore,
Bearss,	Davis of Parke,	Grubb,	New,
Berry,	Davis of Cass,	Hartley,	Pleak,
Blair,	Dickinson,	Hoagland,	Ray,
Browne of R.,	Douglass,	Hord,	Reed,
Brown of Wells,	Dunning,	Jenkins,	Teegarden,
Campbell,	Finch,	Johnson,	White,
Cobb,	Fuller,	March,	Williams, and
Corbin,	Gifford,	Marshall,	Wright—35.

On motion by Mr. Dickinson,

The further proceedings under the call was dispensed with.

Mr. Williams asked and obtained leave of absence for Mr. Landers till to-morrow.

Mr. March asked and obtained leave of absence for Mr. Mansfield.

The special order was taken up, being Senate joint resolution No. 10.

The pending question being on a motion of reference to the Committee on Military Affairs,

Mr. Cobb moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. March and Cobb, and being taken, resulted as follows—ayes 18, nays 17 :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hartley,	Marshall,
Brown of Wells,	Dunning,	Hoagland,	Moore,

Cobb,	Finch,	Hord,	Ray, and
Corbin,	Fuller,	Jenkins,	Williams—18.
Davis of Cass,	Gifford,	Johnson,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Graves,	Reed,
Bearss,	Cobb,	Grubb,	Teegarden,
Berry,	Culver,	March,	White, and
Blair,	Davis of Parke,	New,	Wright—17.
Browne of R.,	Dickinson,	Pleak,	

So the motion to refer lies on the table.

On motion by Mr. March,

The joint resolutions were referred to the Committee on Federal Relations.

Senate bill No. 76, entitled a bill to amend section one of an act entitled an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof, the making out and recording of plats of such towns, and providing for the change of the names of such towns, approved May 20, 1852, and providing when the same shall take effect;

Was read the third time, and

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hartley,	New,
Berry,	Dickinson,	Hoagland,	Pleak,
Blair,	Douglass,	Hord,	Ray,
Browne of R.,	Dunning,	Jenkins,	Reed,
Brown of Wells,	Finch,	Johnson,	Teegarden,
Campbell,	Fuller,	McClurg,	White,
Cobb,	Gifford,	March,	Williams,
Corbin,	Graves,	Marshall,	Wolfe, and
Culver,	Grubb,	Moore,	Wright—36.
Davis of Parke,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Mr. Bearss—1.



So the bill passed.

Senate bill No. 102, entitled a bill to authorize the Board of Directors of the Bank of the State of Indiana to remove any of its branches for the redemption of the notes of such branches, and providing the conditions on which this act shall take effect;

Was read the third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hord,	Pleak,
Bearss,	Dickinson,	Jenkins,	Ray,
Berry,	Dunning,	Johnson,	Reed,
Blair,	Finch,	McClurg,	Teegarden,
Browne of R.,	Gifford,	March,	White,
Brown of Wells,	Graves,	Marshall,	Williams, and
Campbell,	Grubb,	Moore,	Wright—29.
Culver,	Hoagland,	New,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Corbin,	Douglass,	Hartley, and
Cobb,	Davis of Cass,	Fuller,	Wolfe—7.

So the bill passed.

House bill No. 140, entitled an act to authorize the chairman of committees appointed by either House, or both Houses of the General Assembly, to administer oaths to witnesses testifying or called to testify before such committees;

Was read the third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hartley,	New,
Bearss,	Davis of Cass,	Hoagland,	Pleak,
Berry,	Dickinson,	Hord,	Ray,
Blair,	Douglass,	Jenkins,	Reed,
Browne of R.,	Dunning,	Johnson,	Teegarden,
Brown of Wells,	Finch,	McClurg,	White,

Campbell,	Fuller,	March,	Williams,
Cobb,	Gifford,	Marshall,	Wolfe, and
Corbin,	Graves,	Moore,	Wright—36.
Culver,	Grubb,		

Nays none.

So the bill passed.

House bill No. 15. Entitled an act to authorize the Governor to issue a patent to Aaron Foster for certain Michigan road land in Laporte county,

Was read the third time.

And the question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Grubb,	Moore,
Bearss,	Davis of Cass,	Hartley,	New,
Berry,	Dickinson,	Hoagland,	Pleak,
Blair,	Douglass,	Hord,	Ray,
Browne of R.,	Dunning,	Jenkins,	Reed,
Brown of Wells,	Finch,	Johnson,	Teegarden,
Campbell,	Fuller,	McClurg,	White,
Corbin,	Gifford,	March,	Williams, and
Culver,	Graves,	Marshall,	Wright—35.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs. Cobb, and Wolfe—2.

So the bill passed.

Senate bill No. 93. Entitled a bill to extend the time for the completion of railroads in all cases in which two thousand dollars per mile has been expended in their construction, and declaring at what time the act shall take effect,

Was read the third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Grubb,	New,
Bearss,	Davis of Parke,	Hoagland,	Pleak,
Beeson,	Davis of Cass,	Hord,	Ray,
Blair,	Dickinson,	Jenkins,	Reed,
Berry,	Douglass,	Johnson,	Teegarden,
Browne of R.,	Dunning,	McClurg,	White,
Brown of Wells,	Finch,	March,	Williams,
Campbell,	Fuller,	Mhrshall,	Wolfe, and
Cobb,	Gifford,	Melletts,	Wright—38.
Corbin,	Graves,	Moore,	

Nays none.

So the bill passed.

A message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

House bill No. 44. An act to amend the sixth section of an act to fix the times of holding the common pleas courts in the several counties of this State, the duration of the terms thereof, and making all process from the present common pleas courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859.

House bill No. 69. An act regulating the duties of the State Librarian, and providing penalties for a violation of the provisions of this act.

House bill No. 95. An act to fix the time of holding the courts of common pleas in the counties of Adams, Wells, Huntington, and Allen, and the duration of the terms thereof, and making all process from the present common pleas court returnable to such terms.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 44, 69, and 95, contained in the foregoing mess-

age, were read a first time, and passed to a second reading on to-morrow.

Mr. Hord offered the following resolution, which was adopted:

*Resolved*, That the Committee on Education be instructed to inquire into the expediency of so amending our common school law as to authorize the teaching of the German language in our common schools, in such districts where it may be the will of the inhabitants thereof, in addition to the ordinary English branches of education required by law, and to report such bill as will be necessary to effectuate the same, if found expedient.

Mr. March introduced

Senate bill No. 106, entitled a bill to provide for the prompt payment of officers and soldiers in the army of the United States, raised and organized in the State of Indiana, and to provide means for that purpose;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Williams introduced

Senate bill No. 107, entitled an act to repeal an act making an appropriation to defray the expense of preparing to respond to the call of the President of the United States for troops, approved May 6, 1861;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Johnson introduced

Senate bill No. 108. An act to signify the assent of the State of Indiana to the conditions and provisions of an act of Congress, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of Agriculture and the Mechanic Arts," approved July 2, 1862, and to express the State's acceptance of said conditions and provisions, and for accepting the scrip offered by the act of Congress, and for its sale and investment in the State of Indiana bonds or stocks for the endowment of an Agricultural College.

Mr. Johnson moved to suspend the rules, that the bill may be read the second time now.

The yeas and nays being taken under a constitutional provision, resulted as follows, ayes 37, nays none:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke, Hartley,	New,
Bearss,	Davis of Cass, Hoagland,	Pleak,
Beeson,	Dickinson,	Hord,
Berry,	Douglass,	Jenkins,
Blair,	Finch,	Johnson,
Browne of R.,	Fuller,	McClurg,
Brown of Wells,	Gifford,	March,
Cobb,	Graves,	Marshall,
Corbin,	Grubb,	Moore,
Culver,		Wright—36.

Nays none.

So the rules were suspended and the bill read a second time by title only.

On motion by Mr. Johnson,

The bill was laid on the table, and one hundred copies ordered to be printed for the use of the Senate.

Mr. Teegarden presented a memorial from Stephen P. Mead, an ex-sheriff of Laporte county, praying for relief, &c.;

Which was read a first time, and referred to the Committee on Claims.

Mr. Corbin introduced

Senate bill No. 109, entitled an act requiring the County Commissioners of the several counties of this State to make allowances, and issue orders therefor in certain cases;

Was read a first time, and passed to a second reading on tomorrow.

Mr. Brown of Wells asked and obtained leave of absence for Mr. Marshall for four days.

Mr. Cobb submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 58. " A bill to amend an act to authorize the Board of Commissioners of the several counties in the State of Indiana, and the authorities of any incorporate city or town in said State, to make appropriations in certain cases, and to legalize certain appropriations therein specified, approved May 11, 1861, so as to authorize said boards to make appropriations for bounties for volunteers, disintering, transportation, and interring the bodies of deceased soldiers, and erecting monuments to their memory," have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendment.

" Strike out all after the word soldiers in the fifth line, on page four, to the word soldier in the ninth line on page four," and when so amended, the committee recommend its passage.

Mr. Wolfe submitted the following report, which was concurred in :

MR. PRESIDENT :

The Judiciary Committee, to which was re-committed Senate bill No. 42, being " An act defining the offense of bastardy, and prescribing the punishment therefor," have had the same under consideration, and have directed me to report the same back with the following amendments, and when so amended, they recommend its passage.

Strike out the fourth section and insert the following :

Section 4. Prosecutions under this act shall be commenced in the county where such carnal connection was had, or where such bastard child was born ; and the final trial and determination of the same Circuit Courts, and Courts of Common Pleas, shall have concurrent jurisdiction, but no such prosecution in either of said courts shall be had, until the defendant has been recognized or committed by a Justice of the Peace, as provided in this act.

Sec. 5. In all prosecutions under this act, Justices of Peace



shall have power to make examinations upon affidavit, filed by the mother of such bastard child, charging said offense, as defined in the first section of this act, which affidavit may be substantially in the following form :

A. B. swears that she is pregnant with [or has been delivered of] a bastard child; that said child was begotten on or about the —— day of —— 18—— at —— county, [and if the child is born,] was born on the —— day of ——, 18——, at —— county, and that C. D., [the defendant,] did on the day, and at the place first stated, did have carnal connection with said affiant, and then and there become the father of her said bastard child; upon the filing of such affidavit, the justice shall issue his warrant and cause such defendant to be brought before him, forthwith, for examination.

Sec. 6. Such examination before such justice shall be conducted as other criminal examination, except as provided in the next succeeding section of this act. If the justice on hearing adjudge the defendant guilty, he shall require him into a bond with sufficient surety or sureties, payable to the State of Indiana, in a penal sum not less than two hundred, nor more than one thousand dollars, conditioned that he will appear before the next circuit or common pleas court of the county, to answer said charge, to abide the order of the court, and not depart without leave, or on failure to give such bond, such justice shall commit such defendant to the jail of the county.

Sec. 7. In all such examinations before a justice of the peace, the testimony of the mother shall be by such justice reduced to writing, read carefully to her, and by her be signed, and shall by such justice be returned to the court to which such defendant is recognized, with all other papers of the case, within twenty days after such examination, to be used by either party to sustain or impeach the testimony of such witnesses on the trial in said court.

Sec. 8. Such trial, whether in the circuit or common pleas court, shall be upon the original affidavit of the mother, upon which the examination was had before the justice.

On motion by Mr. Corbin,

Senate bill No. 65, entitled "a bill to amend section 322 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852;

Was taken from the table, and ordered to be engrossed for a third reading.

Mr. Cobb submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on the Organization of Courts, to whom was referred the resolution instructing said committee to inquire into the expediency of reducing the Board of County Commissioners to one member, and to increase the compensation of such Commissioner," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it lie upon the table, for the reason that any legislation upon the subject is inexpedient.

Mr. Wolfe submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to which was referred Senate bill No. 79, being "a bill to protect the liberty of the press, declaring certain acts infringing the liberty of the press to be felonious, and prescribing punishment therefor, and providing compensation to persons whose property is injured or destroyed by mob violence in certain cases, and declaring when this act shall take effect," have had the same under consideration, and have directed me to report the same back with the following amendments, and when so amended, they recommend its passage:

In the first section and seventh line, after the word "newspaper," add the words "when the damage done is to the amount of fifty dollars or more."

Same section, line fourteen, strike out the word "and," and insert the word "or."

Same section, add to the end thereof the following: "And imprisoned in the county jail for any period not exceeding six months."

Mr. March moved to amend by striking out the second section of the bill.

Pending which,

On motion by Mr. Wolfe,

The further consideration of the subject was postponed until tomorrow.

On motion by Mr. Cobb,

The Senate adjourned.

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TUESDAY, 9 o'clock, A. M., }  
February 10, 1863. }

Senate met.

The Journal of yesterday was read and approved.

Mr. Ray presented a series of resolutions adopted by a mass convention of the Democracy of Shelby county, expressive of their views on national affairs;

Which was read and referred to the Committee on Federal Relations.

Mr. Mellett presented a petition from sundry citizens of Rush county, praying for a law compelling turnpike companies, when roads pass through a town, to grade the full width of the streets of such town;

Which was read and referred to the Committee on Corporations.

Mr. Williams submitted the following report, which was concurred in:

S. J.—19

MR. PRESIDENT :

The Committee on Finance, to whom was referred a communication from his Excellency, Governor Morton, on the subject of making provision for the pay of Indiana volunteers, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend that the same lie on the table, inasmuch as a bill has been introduced on the same subject by the Senator from Delaware.

Mr. McClurg submitted the following :

MR. PRESIDENT :

The Committee on Enrolled bills, to whom was referred Senate bill No. 10, have instructed me to report to the Senate that they have carefully compared the enrolled copy thereof with the original bill, and find it properly enrolled.

Mr. Douglass submitted the following report :

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 48, having had the same under consideration, instruct me to substitute the accompanying bill, and recommend its passage :

Senate bill No. 110. An act to create the Sixteenth Judicial Circuit, to provide for the appointment and election of a Prosecuting Attorney and a Judge therein, and also to provide for holding the terms of courts therein, and the return to said courts of all processes, recognizances and notices of publication heretofore or hereafter issued and taken by the present Circuit Courts of the counties in said district.

The report of the committee was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

A message from the House :

MR. PRESIDENT :

I am directed to return to the Senate enrolled bill thereof, No. 10, entitled "a bill to amend section 9 of an act entitled an act to amend section 2 of an act concerning the organization of voluntary

associations, and repealing former laws in reference thereto," approved February 12, 1855, approved March 9, 1861 ;

Which enrolled act has received the signature of the Speaker of the House of Representatives.

The President of the Senate thereupon affixed his signature to Senate bill No. 10, referred to in the foregoing message.

Mr. Cobb submitted the following report :

MR. PRESIDENT :

The Committee on Federal Relations, to whom was referred "a joint resolution in relation to the enlistment and arming of negroes in the army of the United States," have had the same under consideration, and the majority of said committee have instructed me to report the same back to the Senate and recommend its passage.

Mr. March moved to amend the resolution as follows :

On the first page strike out the words, "all interference with slaves and."

Mr. Brown of Wells moved to lay the amendment on the table.

The ayes and noes being demanded by Messrs. March and Brown of Wells, and being taken, resulted as follows, ayes 25, noes 19 :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hartley,	Moore,
Bradley,	Ferguson,	Hoagland,	Ray,
Brown of Wells,	Finch,	Hord,	Shields,
Cobb,	Fuller,	Jenkins,	Williams,
Corbin,	Gaff,	Johnson,	Wilson, and
Davis of Cass,	Gifford,	McClurg,	Wolfe—25.
Douglass,	Graves,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Dickinson,	New,
Bearss,	Campbell,	Grubb,	Pleak,
Beeson,	Claypool,	March,	Reed,
Berry,	Culver,	Melletts,	White, and
Blair,	Davis of Parke,	Murray,	Wright—19.

So the amendment was laid on the table.

Mr. Claypool moved the following amendment:

And that they use their influence in favor of the passage of any and all measures looking to a vigorous prosecution of the war for the maintenance of the Union, the enforcement of the laws, and the suppression of the rebellion.

Mr. Ray moved to amend the amendment by adding:

And with the distinct understanding that the war shall be prosecuted only for the purpose of crushing out the rebellion, restoring the Union, maintaining the Constitution, enforcing the laws, and securing American liberty, and not for any sectional, political or anti-slavery purpose;

Which amendment was accepted by Mr. Claypool.

Mr. Wolfe moved to amend as follows:

*And provided*, That it shall be the duty of the President of the United States to immediately withdraw his proclamation of emancipation.

Mr. New moved to lay this amendment on the table.

The ayes and noes were demanded by Messrs. New and Dunning, and being taken, resulted as follows, ayes 19, noes 24:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Browne of R.,	Dickinson,	Murray,
Bearss,	Campbell,	Graves,	New,
Beeson,	Claypool,	Grubb,	Reed,
Berry,	Culver,	March,	Teegarden, and
Blair,	Davis of Parke,	Melletts,	Wright—19.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Dunning,	Hartley,	Moore,
Bradley,	Ferguson,	Hoagland,	Ray,
Brown of Wells,	Finch,	Hord,	Shields,



Cobb,	Fuller,	Jenkins,	Williams,
Corbin,	Gaff,	Johnson,	Wilson, and
Davis of Cass,	Gifford,	McClurg,	Wright—24.
Douglass,			

So the motion was rejected.

The question recurring upon the amendment to the amendment.

The ayes and noes were demanded by Messrs. Cobb and Wolfe, and being taken, resulted as follows, ayes 24, noes 19:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hartley,	Moore,
Bradley,	Ferguson,	Hoagland,	Ray,
Brown of Wells,	Finch,	Hord,	Shields,
Cobb,	Fuller,	Jenkins,	Williams,
Corbin,	Gaff,	Johnson,	Wilson, and
Davis of Cass,	Gifford,	McClurg,	Wolfe—24.
Douglass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Dickinson,	Murray,
Bearss,	Campbell,	Graves,	New,
Beeson,	Claypool,	Grubb,	Reed,
Berry,	Culver,	March,	Teegarden, and
Blair,	Davis of Parke,	Mellett,	Wright—20.

So the amendment was adopted.

The question recurring on the amendment,

The ayes and noes were demanded by Messrs. Brown of Wells and Dunning.

On motion of Mr. Wolfe,

The special order for this hour (11 o'clock, A. M.) was postponed until 2 o'clock this P. M.

Mr. Douglass moved to amend the amendment as follows:

Amend the amendment by striking out: "it shall be the duty of," and "to," found in the first, second, and third lines, and adding:

And provide further that the propositions made by the Legislatures of the different States fail to effect an honorable settlement or compromise between the Federal Government and the seceded States.

On motion by Mr. Corbin,  
The Senate adjourned.

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2 o'clock, P. M.

Senate met.

The pending question being the amendment offered by Mr. Douglass on the joint resolution introduced by Mr. Cobb,

On motion by Mr. Wolfe,

The special order for this hour was postponed until 11 o'clock, A. M., on to-morrow.

MR. PRESIDENT:

I am directed to transmit to the Senate the following enrolled bills of the House, to-wit:

House bill No. 15. An act to authorize the Governor to issue a patent to Aaron Foster for certain Michigan road land in Laporte county.

House bill No. 140. An act to authorize the chairmen of committees appointed by either House, or both Houses of the General Assembly, to administer oaths to witnesses testifying or called to testify before such committees.

Which enrolled bills have been signed by the Speaker of the

House, and are respectfully submitted for the signature of the President of the Senate.

The President thereupon affixed his signature to House bill No. 15 and House bill No. 140, referred to in the foregoing message.

On motion by Mr. Brown of Wells,  
The Senate adjourned.

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WEDNESDAY, 9 o'clock, A. M., }  
February 11, 1863. }

The Senate met.

The Journal of yesterday was read and approved.

#### PETITIONS, MEMORIALS, &C.

Mr. Moore presented a series of resolutions adopted by a mass meeting of the Democratic citizens of Owen county;

Which was read and referred to the Committee on Federal Relations.

#### REPORTS.

Mr. Wilson, chairman of the Committee on Banks, submitted the following:

MR. PRESIDENT:

The majority of the Committee on Banks, to whom was referred the memorial of D. R. Martin, would respectfully beg leave to submit the following report:

1. It appears from the evidence before said committee, that Ebzey G. Burkham now is, and has been for the most of the time since the organization of the same, the President of the Lawrenceburg Branch of the Bank of the State of Indiana, and for at least

the last eighteen months said Burkham has not been a citizen of the State of Indiana, which is in direct violation of the 66th section of the charter.

2. That it further appears that the capital stock of said branch is \$200,000, of which the said Burkham owns \$133,500, and his two sons own \$19,950, making in all \$153,450; that by the amount of stock he owns, he is enabled to, and does, elect and control the Directory of said Branch.

3. That the said E. G. Burkham, and sons, have had, until very recently, a banking house in the city of Chicago, Illinois, and E. G. Burkham & Co., of which said Burkham is senior member, have a banking house in Cincinnati, Ohio; that the monthly report of the Cashier of said Lawrenceburg branch show that said E. G. Burkham, Sons, and E. G. Burkham & Co., have had for a year and more past, in their hands and for their own private benefit, in the cities of Chicago and Cincinnati, a large portion of the assets of said Lawrenceburg Branch; said reports show as follows:

February, 1862, E. G. Burkham & Co., Cincinnati..	\$127,805 88
E. G. Burkham, Sons, Chicago....	125,000 00
Total for February, 1862.....	\$252,805 88
April, 1862, E. G. Burkham & Co., Cincinnati.....	\$119,711 23
E. G. Burkham, Sons, Chicago.....	112,490 37
Total for April, 1862.....	\$230,201 60
June, 1862, E. G. Burkham & Co., Cincinnati.....	\$103,723 70
E. G. Burkham, Sons, Chicago.....	169,761 60
Total for June, 1862.....	\$273,485 30
August, 1862, E. G. Burkham & Co., Cincinnati...	\$249,979 39
E. G. Burkham, Sons, Chicago.....	169,758 85
Total for August, 1862.....	\$419,738 24
October, 1862, E. G. Burkham & Co., Cincinnati..	\$241,730 90
E. G. Burkham, Sons, Chicago.....	236,259 35
Total for October, 1862.....	\$477,990 25

December, 1862, E. G. Burkham & Co., Cincinnati.	\$246,387 90
E. G. Burkham, Sons, Chicago....	238,133 07
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Total for December, 1862.....	\$484,520 97
January, 1863, E. G. Burkham & Co., Cincinnati...	\$456,593 39
E. G. Burkham, Sons, Chicago.....	None.
<hr/>	
Total for January, 1863.....	\$456,593 39

4. It also appears from the evidence, that up to January, 1861, said branch made regular semi-annual dividends of five per cent., but made no dividend in July, 1861, and only a semi-annual dividend of three per cent. in July, 1862, and January, 1863.

5. The said monthly reports also show that the discounts of said branch, on notes and bills of exchange, have been very small for the past year, and on the 31st of January, 1863, were only \$14,409 76, whilst the notes of said branch in circulation were \$397,947 00, thus showing that the banking districts which said branch was created by the charter to subserve, has derived no benefit therefrom, and that the assets of the said branch have been diverted from their legitimate field and carried to Ohio and Illinois, and there used to answer the private emolument of its President, E. G. Burkham. This we regard as a violation of the spirit, if not the letter, of the charter.

6. We find that the memorialist, who is a stockholder in said branch to the amount of \$10,000, has applied to the Board of Directors of the Bank of the State of Indiana for redress, and has been answered by said Board that they had no power to grant him any relief.

The majority think it the duty of this General Assembly, in pursuance of the 23d section of the charter of the Bank of the State, to appoint an agent to examine into the condition of said Bank, and particularly the Lawrenceburg Branch thereof, who shall report to the General Assembly at its present session, that said Assembly may take such action as may be expedient and proper. They therefore respectfully recommend the adoption of the accompanying joint resolution.

The report was concurred in, and the joint resolution read a first time.

Mr. Finch submitted the following, which was concurred in:

MR. PRESIDENT:

The Committee on Roads, to which was referred Senate bill No. 37, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Mr. Browne of Randolph submitted the following:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 13, have had the same under consideration, and have directed me to report the same back to the Senate with the accompanying amendments, and when so amended recommend its passage.

The amendments were adopted, and the bill ordered to a third reading on to-morrow.

Mr. Johnson submitted the following, which was concurred in:

MR. PRESIDENT:

The Committee on Agriculture, to whom was referred that portion of the Governor's message in relation to the donation of public lands for the establishment of Agricultural Colleges, have had the same under consideration, and have directed me to report, that inasmuch as there is a bill now pending on this subject, it is inexpedient to take further action on the same.

Mr. Johnson submitted the following, which was concurred in.

MR. PRESIDENT:

The Committee on Agriculture, to whom was referred the report of the State Board of Agriculture, have directed me to report the same back to the Senate, and recommend that it lie on the table, and 500 copies be printed for the use of the Senate.

Mr. Douglass submitted the following:



MR. PRESIDENT :

The Committee on Education, to which was referred Senate bill No. 41, have had the same under consideration, and have directed me to report the same back with the recommendation that its passage is inexpedient, and recommend that it lie on the table.

The report was concurred in, and the bill ordered to lie on the table.

Mr. Johnson presented the following, which was concurred in :

MR. PRESIDENT :

The Committee on Agriculture, to which was referred House bill No. 28, have had the same under consideration, and have directed me to report the same back with the accompanying amendment, extending the time for killing game, and, when so amended, recommend its passage.

Mr. Dickinson submitted the following :

MR. PRESIDENT :

The Committee on the Organization of Courts, to which was referred Senate bill No. 75, have had the same under consideration, and have directed me to report the same back with the recommendation that it lay upon the table.

The report was concurred in—ayes 24, nays 21.

Mr. Gifford submitted the following, which was concurred in :

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 38, have had the same under consideration, and have directed me to report it back with the accompanying amendment, and, when so amended, recommend that it pass.

#### RESOLUTIONS.

Mr. White offered the following resolution, which was adopted :

*Resolved*, That the Committee on Agriculture be instructed to inquire whether further legislation is necessary for the better protection of sheep, and report by bill or otherwise.

The President laid before the Senate an invitation from Colonel Carrington to attend the artillery practice this afternoon at two o'clock.

On motion by Mr. Shields,  
The invitation was accepted.

Senate joint resolution No. 10, protesting against the enlistment and arming of negroes, with pending amendments, coming up in order, was discussed at length.

The President announced that the artillery practice, fixed for this afternoon, at 2 o'clock, was postponed until some more favorable day, of which the Senate would be notified.

On motion,  
The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

#### BILLS INTRODUCED.

Mr. Williams introduced

Senate bill No. 111, entitled a bill to apportion Senators and Representatives for the next six years.

The rules were suspended and the bill read a second time, and one hundred copies ordered to be printed.

Mr. Johnson in the chair.

The President stated the question pending to be the amendment of Mr. Douglass to joint resolution No. 10.

Mr. Shields moved to lay all the amendments on the table.

Mr. Douglass withdrew his amendment.

The question then recurring on the amendment of Mr. Claypool, as amended by Mr. Ray, and further amended by Mr. Wolfe,

On motion,

The amendments were laid on the table, ayes 31, noes 11, not voting 2.

Mr. March offered the following:

Amend by striking out all after the enacting clause and insert the following:

1. That notwithstanding there may be differences of opinion in regard to the policy of some of the war measures of the National Administration, yet the State of Indiana, without distinction of party, still unwavering in her devotion and attachment to the National Government, again reiterates her pledges of fidelity to the common cause, and will with all her energies, with all her power, and all her means, press steadily forward in the war to put down the rebellion, restore the Union and the Constitution, with the distinct understanding that the same is not prosecuted for any sectional, political or anti-slavery purpose.

2. That our Senators be instructed and our Representatives be requested to vote for all laws having the effect to lighten the labor, protect the health, and save the lives of white soldiers by employing acclimated persons of African descent, wherever their services can be made useful and safe, having proper regard to their capacity, previous relation to the whites, the antipathies of race, condition and color in framing such laws.

Mr. Cobb moved to lay the amendment on the table.

An ineffectual motion was made to adjourn—ayes 20, noes 24.

The question recurring on the motion of Mr. Cobb to lay the amendment offered by Mr. March on the table.

The ayes and noes were demanded, and being taken, resulted, ayes 24, noes 20, as follows:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Williams,
Corbin,	Gifford,	Landers,	Wilson, and
Davis of Cass,	Hartley,	McClurg,	Wolfe—24.
Douglass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Mansfield,	Pleak,
Bearss,	Dickinson,	March,	Reed,
Beeson,	Downey,	Melletts,	Teegarden,
Berry,	Graves,	Murray,	White, and
Blair,	Grubb,	New,	Wright—20.
Browne of R.,			

So the amendment was laid on the table.

Mr. Cobb moved the previous question, which was not seconded.

On motion,  
The Senate adjourned.

[NOTE.—The journal of this day having been misplaced, the Brevier Legislative and newspaper's reports have been used in making up the above, under the sanction of the Secretaries.]

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THURSDAY, 9 o'clock, A. M., }  
February 12, 1863. }

Senate met.

The Journal of yesterday was read and approved.

Mr. Claypool presented the memorial of the officers and soldiers of the Indiana regiments in the field, in the department of the Cumberland, at Murfreesboro, Tennessee, expressive of their views as to the war policy of the country, and proposing resolutions to be adopted by the Legislature of Indiana.

After the reading had been proceeded with for an hour,

Mr. Gifford moved to dispense with the further reading of the signatures annexed to the memorial.

Which was agreed to.

Mr. Claypool moved to lay the memorial on the table, and to print five thousand copies.

The ayes and noes were demanded by Messrs. Cobb and Claypool, and being taken, resulted as follows: Ayes 37, noes 8.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Cobb,	Grubb,	Murray,
Bearss,	Culver,	Hartley,	New,
Beeson,	Davis of Cass,	Hoagland,	Pleak,
Berry,	Dickinson,	Jenkins,	Ray,
Blair,	Downey,	McClurg,	Reed,
Bradley,	Dunning,	Mansfield,	Teegarden,
Browne of R.,	Ferguson,	March,	White,
Brown of Wells,	Finch,	Melletts,	Williams, and
Campbell,	Gaff,	Moore,	Wright—37.
Claypool,	Gifford,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Hord,	Landers,	Wilson, and
Fuller,	Johnson,	Shields,	Wolfe—8.
Douglass,			

So the motion was agreed to.

The President laid before the Senate a communication addressed to him, containing the proceedings of a meeting of the officers and men of the 93d and 66th regiments of the Indiana volunteers, held at Corinth, Mississippi, on the 31st day of January, 1863, purporting to be an expression from both officers and men of said regiments, in regard to the traitorous conduct of some of our northern politicians, &c.

Mr. Wolfe moved to reject the communication.

Mr. Wolfe moved to postpone the special order for this hour until 10 o'clock on to-morrow.

On motion by Mr. Davis of Cass,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Ray offered the following amendment to the motion of Mr. Wolfe to reject the memorial:

*Resolved*, That the memorial and Resolutions offered to the Senate be rejected as disrespectful and offensive to the dignity and honor of the Senate, and as a further mark of disapprobation, that the Secretary of the Senate be instructed to return the same to the source from which they came, accompanied with a copy of this resolution.

Mr. Cobb demanded the previous question,  
Which was seconded by the Senate.

The question being shall the amendment be adopted?

The ayes and noes were demanded by Messrs. Browne of Randolph and March, and being taken, resulted as follows: Ayes 28, noes 18.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hartley,	Moore,
Bradley,	Ferguson,	Hoagland,	Murray,
Brown of Wells,	Finch,	Hord,	Ray,
Cobb,	Fuller,	Jenkins,	Shields,



Corbin,	Gaff,	Johnson,	Williams,
Davis of Cass,	Gifford,	Landers,	Wilson, and
Douglass,	Graves,	McClurg,	Wolfe—28.
Downey,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Grubb,	Pleak,
Bearss,	Campbell,	Mansfield,	Reed,
Beeson,	Claypool,	March,	Teegarden, and
Berry,	Culver,	Melletts,	Wright—18.
Blair,	Dickinson,	New,	

So the resolution was adopted.

On motion by Mr. Dunning, (Mr. Downey being in the chair,) the Senate took a recess for one hour.

4 O'CLOCK, P. M.

The Senate was called to order.

(Mr. Cobb in the chair.)

Leave being granted,

Mr. Bradley introduced

Senate bill No. 112, entitled "a bill for an act to amend the seventh section of an act entitled an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter," approved February 5, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

Leave being granted,

Mr. Fuller introduced

Senate bill No. 113, entitled "an act to repeal an act to provide for the defense of the State of Indiana, to procure first class arms, artillery, cavalry and infantry equipments and munitions of war, making the necessary appropriations therefor, and authorizing the Governor to borrow money ;"

Was read a first time, and passed to a second reading on tomorrow.

Mr. Hord offered the following resolution, which was adopted :

WHEREAS, His Excellency, the Governor, by a message dated February 4, 1863, to this Legislature, shows that the General Government is unable to promptly pay the wages of the officers and soldiers of Indiana now in the field, and that there is now due them wages for a number of months, which it is not now in the power of the General Government to satisfy, and proposes that some plan be adopted by the State of Indiana to pay such arrearages, and look to the General Government for re-imbursement, and also provide that the State shall pay the wages of such officers and soldiers in the future, and depend upon the same source for re-payment of the money thus expended ; and

WHEREAS, The proposition thus made can not be acted upon without ascertaining the amount of expense to which this would subject the State,

*Resolved*, That his Excellency be requested to report,

1st. To what amount is the General Government in arrears to the officers and soldiers of Indiana at this time.

2d. What amount per month for the future will be required of the State to pay said officers and soldiers, to carry out the plan proposed by his Excellency.

Mr. Ray introduced

Senate bill No. 114, entitled an act to amend section 13 of an act entitled "An act defining felonies, and prescribing punishment therefor," approved June 10, 1852, and to more fully protect the

citizens of the State from arbitrary arrests, and securing the privileges of the writ of *habeas corpus* to such as may be arrested without due process of law ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wolfe asked and obtained leave to record his vote in the affirmative on the adoption of the resolution offered by Mr. Ray.

Mr. Williams offered the following resolution, which was adopted :

WHEREAS, There is a number of the reports of Mr. Owen's Geological Survey of the State of Indiana, now in the hands of the Secretary of State, therefore be it

*Resolved by the Senate, (the House of Representatives concurring,)* That twenty copies be held by the Secretary of State for the use of Richard Owen, one hundred copies be deposited in the State Library, and the balance to be distributed equally among the members of the Senate and House of Representatives.

Mr. Mellett introduced

A joint resolution, No. 12, declaring that the General Assembly of the State of Indiana is unconditionally and determinedly in favor of the preservation of the Union, and in favor of a vigorous prosecution of the war ;

Which was read a first time, and passed to a second reading on to-morrow.

Leave being granted,

Mr. Douglass introduced

Senate bill No. 115, entitled an act to amend an act entitled an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and defining their powers, approved June 11, 1852 ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Ray introduced

Senate bill No. 116, entitled an act authorizing the Secretary of

State to purchase and distribute, for the use of the State, copies of a new edition of Blackford's Reports, and appropriating money to pay for the same;

Was read a first time and passed to a second reading on to-morrow.

Mr. Davis introduced

Senate bill No. 117, entitled an act to amend section 111 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. March introduced

Senate bill No. 118. "A bill to amend the 70th section of an act entitled 'an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases,' approved June 9, 1852.

Was read a first time, and passed to a second reading on to-morrow.

Mr. Teegarden asked and obtained leave to record his vote in the affirmative, on the motion of Mr. New to lay Mr. Wolfe's amendment to an amendment to Senate joint resolution No. 10, on the table. Also to record his vote in the negative on the amendment to the amendment.

Mr. Douglass submitted the following :

MR. PRESIDENT :

The Committee on Education, to whom was referred bill No. 40, have had the same under consideration, and have instructed me to recommend the passage of the bill, with the following amendment:

Amend by inserting for the expression "possessed of one-eighth or more of negro blood," the words, "possessing any negro blood."

The question being on concurring in the report of the committee,

The ayes and noes were demanded by Messrs. Beeson and Browne of Randolph, and being taken, resulted as follows, ayes 20, nays 22 :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Finch,	Hord,	Ray,
Bradley,	Fuller,	Jenkins,	Shields,
Cobb,	Gaff,	Johnson,	White,
Corbin,	Hartley,	Landers,	Williams, and
Davis of Cass,	Hoagland,	Moore,	Wilson—20.
Douglass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Graves,	Pleak,
Bearss,	Claypool,	McClurg,	Reed,
Beeson,	Downey,	Mansfield,	Teegarden,
Berry,	Dunning,	March,	Wolfe, and
Blair,	Ferguson,	Melletts,	Wright—22.
Browne of R.,	Gifford,	New,	

So the report was not concurred in.

On motion by Mr. Fuller,  
The Senate adjourned.

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FRIDAY, 9 o'clock, A. M., }  
February 12, 1863. }

Senate met.

The Journal of yesterday was read and approved.

Mr. Shields, by leave, offered the following resolution, which was adopted :

*Resolved*, That the Committee on Military Affairs be authorized to subpoena any and all witnesses desired by them in their investigations.

Mr. Wolfe, from the Committee on Elections, made the following majority report :

MR. PRESIDENT :

The Committee on Elections, to which was referred the preamble and resolution introduced by Mr. Claypool, alleging that Senators Joshua H. Mellett, Abraham Teegarden, Martin M. Ray, and Daniel R. Bearss, have, since their election as Senators, been appointed and have discharged the duties of Enrolling or Drafting Commissioners ; and inquiring whether said Senators have vacated their seats in this body by the acceptance of said position, would respectfully report that they have had the same under consideration, and a majority thereof have directed me to report the following as their views upon the subject :

The Constitution of the State (Art. 2, Sec. 9,) provides that "No person holding a lucrative office or appointment under the United States, or under this State, shall be eligible to a seat in the General Assembly ; nor shall any person hold more than one lucrative office at the same time, except, as in this Constitution expressly permitted :

*Provided*, That officers in the militia, to which there is attached no annual salary, and the office of deputy post-master, where the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative."

The only material questions in the case are :

1st. Is the position of Enrolling or Drafting Commissioner an office in the meaning of this provision of the Constitution ; and, if so,

2nd. Does it, or not, fall within the exception, or proviso, by being an office "in the militia to which there is attached no annual salary ?"

As to the first question, we are of the opinion that the position of Enrolling or Drafting Commissioner does not fall properly within the definition of an office ; but is rather in the nature of an agency or employment. The distinction between an office and an official agency is seen clearly when we inquire as to whose act it is when it is performed. An officer's act is his own ; what an official



agent does is the act of his principal. There is also a distinction in the creation of an office and an agency. An office must be created, and the officer appointed, by law, or by some officer who has express legal authority to do so. An official agency may be created, and the agent appointed, without such express legal authority. Such a power is an incident to all executive and ministerial offices, and probably, or at least to a certain extent, to judicial offices also. A sheriff has the right to appoint a private citizen his agent to execute a writ; a clerk has the right to employ a private citizen to enter up his records; a Governor has the right to appoint agents to make examinations of records, or the like, and to do generally what he lacks the time, disposition or ability to do. But all such acts are the acts of the principal.

These Commissioners were appointed by the Governor, and their character, as to whether they were agents or officers, depends not upon the nature of the duties they were to perform; not upon the duration of their service; but upon the question whether or not the Governor had the power to appoint them *as officers*.

They were appointed by him to carry out certain regulations and orders of the War Department, made in pursuance of an act of Congress. These regulations and orders, and the law of Congress under which they were made, taken in connection with the powers, rights and prerogatives of the Governor of a sovereign State, amount only to a requisition upon the State to furnish for the Federal service a designated number of militia men. And in the absence of any State law on the subject, providing the manner of their enrollment and draft, it was the Governor's duty, if anybody's, to enroll and draft them himself, personally, or cause it to be done by his agents. Whatever functions these Commissioners exercised was solely by virtue of the authority derived from the Governor. And the Governor having no legal power to constitute them officers, they were only his agents. If they were not agents they had no legal status whatever, and all their acts are mere nullities.

What powers the Federal Government would have in such cases, if the Governor would refuse to act, is a question not involved in this case; as these Commissioners were not appointed by the Federal Government, nor by the Governor, in pursuance of Federal authority. The Governor could not exercise such a power by virtue of Federal authority, without, himself, becoming a Federal officer. If the Governor derived the power in question from the Federal Government, he became a Federal officer, and, by dis-

charging its duties, he exercised the functions of "an office under the United States," which is in direct violation of article five, section eight, of the Constitution, which says:

"No member of Congress, or person holding any office under the United States, shall fill the office of Governor, or Lieutenant-Governor."

Then, it is clear that the Governor did not derive his authority from the Federal Government; or, if he did, and he exercised it he thereby rendered himself incapable to "fill the office of Governor." To avoid this difficulty, it can not be said that the Federal authority only made the Governor an *agent*. If the Governor was only an agent, then, with a stronger reason, it may be said his appointees were only agents. An agent may appoint a sub-agent, but he can not create an office or appoint an officer. Such acts can only be done by law or by an officer who has legal authority.

It seems clear, therefore, that the Governor had no authority, either State or Federal, to either create the office or appoint the officers to fill them, and hence, such appointees were not *officers*, either Federal or State, civil or military; but only agents to perform a certain work, which, of necessity, devolved upon the Governor, in the absence of the proper officers, or the legal power to appoint them.

Upon the other question presented, we are clearly of the opinion that the position of Enrolling or Drafting Commissioner, whether it was an office or an agency, was "*in the militia*, to which there is attached no *annual* salary," and, therefore, falls within the exception or proviso of the Constitution, which says such offices "shall not be deemed lucrative," and hence, do not disqualify a person from holding another at the same time.

The only point that admits of any discussion upon this branch of the subject, is in regard to the meaning of the language—"in the militia." It is urged by the objectors to the opinion we have expressed, that, while the office or agency in question, was *connected with* the militia, it was not properly, and in the meaning of the Constitution, an office *in* the militia. This distinction is extremely subtle, and partakes too much of the hair-splitting character of the special pleadings of the old English courts, or of the quibbles of a "Constitution-made lawyer," to be received with favor in the decision of a question of the dignity and importance of the one before us. The only public offices known in the country are either in the civil, military or naval service. All military officers are either

in the regular, volunteer or militia service. An office, the duties of which are exclusively "connected with" one or the other of these services, is an office "in" that service, or else it is not in any service. Can it be said that an office, the duties of which are exclusively connected with the militia service, is in any sense, or in any degree, a civil office? If such an office is not *in* the militia, why is any office in the militia? It certainly will not be insisted that every officer in the militia must have a feather in his cap, and have a title of rank prefixed to his name.

It seems to us that the obvious spirit and meaning of the constitutional proviso is, that an office, the duties of which relate exclusively to, or are connected exclusively with the militia, is an office "*in* the militia." Any other interpretation would permit the mere *words* to defeat the obvious intention and spirit of the enactment. Such a rule of interpretation is not admitted in any case.

But if it be assumed that none of these positions are well taken or established, it does not, therefore, follow that the seats of the Senators in question ought to be declared vacant. A sitting member is entitled to hold his seat by virtue of a certificate of election, right upon its face, until it is clearly shown that the right to oust him exists. The right to oust must be affirmatively shown. The title to an office is not unlike the title to any thing else. The possessor's right is maintained until it is successfully overthrown. This, to say the least, has not been done in this case.

We, therefore, recommend the adoption of the following resolution:

*Resolved*, That Honorables Joshua H. Mellett, Abraham Teegarden, Martin M. Ray, and Daniel R. Bearss, are entitled to hold their seats as Senators on this floor.

S. K. WOLFE,  
*On behalf of the majority.*

Mr. Landers, from the same committee, made the following minority report:

MR. PRESIDENT:

The undersigned, a minority of the Committee on Elections, to whom was referred the preamble and resolution, which was in these words:

"WHEREAS, It is said that the Senator from Henry, Hon. Joshua H. Mellet; the Senator from Laporte, Hon. A. Teegarden; the Senator from Shelby, Hon. Martin M. Ray, and the Senator from Miami, Hon. David R. Bearss; have, since their election as Senators, been appointed and discharged the duties of Enrolling or Drafting Commissioners for their respective counties; therefore,

*Resolved*, That the Committee on Elections be instructed to inquire and report to this Senate, whether the Senators aforesaid have vacated their seats in this Senate, by the acceptance of the position of Enrolling or Drafting Commissioners as aforesaid;" have had the same under consideration, and beg leave to report:

That the office of Enrolling and Drafting Commissioner, was established in pursuance of the Act of Congress, and rules and orders herein set forth, to-wit: "*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever the President of the United States shall call forth the militia of the States to be employed in the service of the United States, he may specify in his call the period for which such service will be required, not exceeding nine months; and the militia so called, shall be mustered in, and continue to serve, for and during the term so specified, unless sooner discharged by command of the President. If by reason of defect in existing laws, or in the execution of them in the several States, or any of them, it shall be found necessary for enrolling the militia, and otherwise putting this act in execution, the President is authorized, in such cases, to make all necessary rules and regulations; and the enrollment shall, in all cases, include all the able-bodied male citizens between the ages of eighteen and forty-five, and shall be apportioned among the States according to the representative population."—Acts of Congress, approved July 17, 1862.

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## "WAR BULLETIN.

"WASHINGTON, August 4, 1862.

"Ordered—*First*. That a Draft of 300,000 militia be immedi-

ately called into the service of the United States, to serve for nine months, unless sooner discharged.

"The Secretary of War will assign the quotas to the States and establish regulations for the draft. \* \* \* \* \*

"By the PRESIDENT:

"EDWIN M. STANTON,

*Secretary of War.*

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"GENERAL ORDERS, }  
 "No. 99. } WAR DEPARTMENT,  
 Adjutant General's Office,  
 Washington, August 9, 1862.

*"Regulations for the Enrollment and Draft of Three Hundred Thousand Militia.*

"In pursuance of an order of the President of the United States, bearing date August 4, 1862, whereby is provided that a draft of three hundred thousand militia be immediately called into the service of the United States, to serve for nine months unless sooner discharged, and that the Secretary of War shall assign the quotas to the States, and establish regulations for the draft; also, that if any State shall not, by the 15th of August, furnish its quota of the additional three hundred thousand volunteers authorized by law, the deficiency of volunteers in that State shall also be made up by a special draft from the militia, and that the Secretary of War shall establish regulations for this purpose:

"It is ordered \* \* \* \* \*

Third: The Governors of the respective States will cause an enrollment to be made forthwith, by the Assessors of the several counties, or by any other officers to be appointed by such Governors, of all able-bodied male citizens between the ages of eighteen and forty-five, within the respective counties, giving the name, age, and occupation of each, together with remarks showing whether he is in the service of the United States, and in what capacity, and any other facts which may determine his exemption from military duty. All reasonable and proper expenses of such enrollment, and of the draft hereinafter provided, will be reimbursed by the United States, upon vouchers showing the detailed statement of service



performed and expenses incurred, to be approved by such Governors. \* \* \* \* \*

"2. The Governors of the several States shall appoint a commissioner from each county of their respective States, whose duty it shall be to superintend the drafting, and hear and determine the excuses of persons claiming to be exempt from military duty. Such commissioner shall receive a compensation of four dollars per diem, for each day he may be actually employed in the discharge of his duties, as such commissioner.

"3. The enrolling officer shall immediately, upon the filing of the enrollment lists, notify said commissioner that said lists have been so filed, and the commissioner shall, thereupon, give notice by handbills posted in each township of his county, of the time and place at which claims of exemption will be received and determined by him, and shall fix the time to be specified in the order aforesaid, within ten days of the filing of the enrollment at which the draft shall be made; and all persons claiming to be exempt from military duty, shall, before the day fixed for the draft, make proof of such exemption before said commissioner, and if found sufficient, his name shall be stricken from the list by a red line drawn through it, leaving it still legible. \* \* \* \*

Our State Constitution, section nine, article two, ordains: "No person holding a lucrative office or appointment under the United States, or under this State, shall be eligible to a seat in the General Assembly, nor shall any person hold more than one lucrative office at the same time, except, as in this Constitution expressly permitted. Provided, that officers in the militia, to which there is attached no annual salary, &c., shall not be deemed lucrative, &c.,

Is the office of Enrolling and Drafting Commissioner, as provided for in the Act of Congress and regulations quoted, a lucrative office within the meaning of the Constitution?

*First.* Is it an office or appointment?

*Second.* Is it a lucrative one?

*First.* Technical words and phrases having a peculiar and appropriate meaning in law, are to be understood according to that meaning and legal definition. All courts declare that it will be presumed that the law-making power used such words in that manner unless such a construction is clearly repugnant. Then, that being presumed, we will endeavor to ascertain the legal meaning of the words "office" and "appointment" as used in the Constitution.

Bouvier, Kent and Cruise, and we might cite many other au-



thorities to the same point, all agree and define "office" to consist in "a right and corresponding duty to execute a public function, trust or employment, and to take the fees and emoluments belonging to it."

Chief Justice Marshall, 2d Marshall's Reports, p. 96, inquires: "Is the Agent of Fortifications an officer of the United States?" and says, "An office is defined to be a public charge or employment, and he who performs the duties of an office is an officer. If employed on the part of the United States, he is an officer of the United States. Although an office is an employment, it does not follow that every employment is an office. A man may certainly be employed under contract, express or implied, to do an act or perform a service, without becoming an officer. But if a duty be a continuing one, which is defined by rules prescribed by the Government, and not by contract, which an individual is appointed by Government to perform, who enters on the duties appertaining to his station, without any contract defining them, if those duties continue, though the person be changed, it seems very difficult to distinguish such a charge or employment from an office, or the person who performs the duties from an officer." (The above case will also be found in 2d Brockenbrough, same page.)

In examining this case, it will be seen that the important features therein were very similar to, and that the office of agent of fortifications was established in the same manner, that the position of Enrolling and Drafting Commissioner was.

An Act of Congress was passed, making appropriations for the erection of fortifications, and without providing in detail for all the objects of the bill, it empowered the Secretary of War, with the approval of the President, to make the necessary rules and regulations relative to and carrying out its objects, &c. The Secretary of War did so establish the office of agent of fortifications. The court held the office established by law; that the rules and regulations of the Secretary of War, made in pursuance of that Act, were of equal dignity with and had the sanction of law. By reference to the reports of the Federal courts, it will be seen in almost every volume, some decision that treats these rules and regulations, not only of the War Department, but of the other heads of department, in the same light, having the same force, power, and effect of the Acts of Congress, in pursuance of which they are established. See 7 Peters 14; 13 Ib., 512-15; Ib., 336-358, and 17 Ib., 291. *Gratiot v. United States*, 6 Howard Reports.

It will be observed in General Orders No. 99 above, that the Secretary required the appointment of two persons in each county, one to enroll the militia, designated in several places as *officers*, and the other to superintend the drafting, &c., with all the requisites of an officer, that is, duties defined and compensation affixed.

In this State; however, the duties of both positions were performed by one person. As the rules and regulations of the War Department, relative to these positions, and the duties of such persons, are of equal dignity with, and have the sanction of law, we must therefore conclude that the duties performed by these Enrolling and Drafting Commissioners were not "performed under contract express or implied," but were "defined by rules prescribed by the Government," as Chief Justice Marshall says above.

If they were not performed by contract, were the duties a public function, charge, or employment? They were ordered to be performed by the Federal Government, by virtue of a public law, for a general purpose, and for that Government, and was not a private enterprise or private employment by these appointees. In 7 Richardson, p. 381, in determining whether or not a jailor, appointed by and holding at the will of the sheriff, was a public officer, the court held that he was, and said: "The mode of appointment enters not into the essentials of an office, nor does the duration;" and quotes from Lord Coke to-wit: "Every man is a public officer who hath any duty concerning the public, and he is no less a public officer whose authority is confined to narrow limits, because it is the duty of his office and the nature of that duty which makes him a public officer, and not the extent of his authority." In 79 Eng. Com. Law R., 149, the court held that the clerk of the Board of Guardians for the poor, who received his appointment from, and whose duties were prescribed by that Board, was a public officer, and the learned judge held this language in reference to the duties being public: "And, as the exercise of them materially affects the great body of persons, I think they are so, whether the district for which it is exercised be a parish, or a hundred, or several parishes in a union, appears to form no ground of distinction, if it be an office in which the people have an interest."

It has been claimed in the argument of these questions before the Senate, that the duties performed by these parties were to have been performed by the Governors of the several States, and that he appointed them only to act in his stead, and, consequently, were merely agents of the Executive. This position is clearly untenable,

as will be seen by reference to orders of the Secretary of War; the duties of the several Executives were clearly defined, they having only the power to cause the assessors, or other officers, to be appointed by such Governors to enroll the militia, and to appoint a commissioner in each county to superintend the drafting. The duties of the Executives and the commissioners are clearly and distinctly defined and separated.

It is also claimed that these positions were of Executive appointment to discharge a special duty, such as purchasing arms and the sending of surgeons or nurses, by the Governor, to take care of sick and wounded soldiers. The distinction is this: one performs the duties, as Chief Justice Marshall says, "by virtue of rules prescribed by the Government, or in accordance with some law; the other performs the service by contract, express or implied, and is the personal agent of, and responsible only to, the officer requiring the service, and doing that which the Governor should do himself. If, however, the person buying the arms, or acting as surgeon or nurse, be appointed in pursuance of a law, and that law\* also defines their duty, and that duty is for the Government, then such person also becomes an officer within the legal meaning of the word. And the fact that the duty to be performed consists in a single act, or variety of acts, to be completed in a definite period of time, cannot change the character of the person performing them, should they prove a public employment, and defined by rules prescribed by the Government.

There are three kinds of officers: one, the duties of which are the performance of specific services in a time certain; the second, within an indefinite period of time which will arrive; and the third, which are presumed to be perpetual or co-existent with the Government. We will name a few: officers in the volunteer service, some serving three months, and others three years; officers in the militia, serving nine months; Agent of State; sail makers in the navy yard at Washington; Governors, and other officials in territories, appointed by the President, &c.; all of which are, in the strictest sense, officers, and have been so decided.

The case of *Branham vs. Lange*, Auditor, in 16 Ind., has been referred to. The distinction between that case and the present one is this: the position or office of Enrolling and Drafting Commissioner was first established. No particular person or persons were designated in the law or regulations, who should perform the service. Any person may have been an incumbent, and if the first

or other person selected would not accept, or would fail in whole or in part to discharge the duties, or had resigned or died, the office continued—the duties had to be discharged—and some other person would have been selected and appointed, who would discharge them.

That of the Auditing Committee was different in every particular mentioned above.

The duties to be performed were by law, (which was for a temporary purpose,) specially deputed to those three persons, and no other individuals, save those three, could by the act have discharged the service therein mentioned. And if those three had not consented to, or had failed to discharge the duties, had died or resigned, as is expressly stated in that decision, no other person or persons could have been appointed, or discharged the service. No provision, as the court says, was made for such vacancies or contingencies, and was not intended to be an office, as the court very properly decided. The illustrations given in that case very clearly demonstrate the distinction, and the language of Chief Justice Marshall, *supra*, “but if a duty be a continuing one,” and “if those duties continue, though the person be changed,” is also very applicable in showing the difference in the two cases.

We, therefore, conclude that the position of Enrolling and Drafting Commissioner of the militia is an office within the meaning of the Constitution.

Concluding as we do, it becomes unnecessary to show whether or not the words “office” and “appointment” are used synonymously in the Constitution. However, Bouvier defines “appointment” to be “the act by which a person is selected and invested with an office; and by appointment is also understood a public employment, nearly synonymous with office. The distinction is this—the term appointment is of a more extensive signification than office.”

2d. Is it a lucrative office?

The Supreme Court of this State, 8 Blackf. 329, in determining the offices of county commissioner and county recorder lucrative, under the old Constitution, held this language: “Pay—supposed to be an adequate compensation, is affixed to the performance of their duties. The lucrateness of an office—its net profits—does not depend upon the amount of compensation affixed to it.” County commissioners then received two dollars per day, just one-half the compensation Enrolling and Drafting Commissioners now



receive. The same court, in 14 Ind. R. 142, quotes the above approvingly, and by the same test adjudges the offices of township trustee (under the system of three in a township), and supervisors of the highways, to be lucrative, within the meaning of the present Constitution.

Consequently, if we apply the same rule, the office in question is also lucrative, unless the proviso therein—*i. e.*, "That offices in the militia, to which there is attached no annual salary," &c, exempts it from that position.

By showing that the office in question is a Federal office, emanating from Federal authority, the duties of which were ordered by, and for the benefit of, the Federal Government, and the compensation of these officers were to be paid by that Government, it will be evident that the office was not one in the militia of this State. The services performed by these officers were not had by virtue of any law of this State. It may be true that, in the absence of any statute, the Governor, by virtue of his office as commander-in-chief of the militia, may appoint similar officers for the purpose of enrolling and drafting the militia. But the militia thus called out by him can only be used for three purposes: that is, to repel invasion, suppress rebellion in this State, and for the purpose of enforcing the laws of this State. Such was not the purpose in drafting the militia in 1862. The avowed and open purpose was to place them in the services of the United States, to suppress the rebellion in the Southern States and outside the limits of this State.

By reference to the Federal Constitution, we find that Congress has power "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress."

Thus it will be seen that the Federal Government has the exclusive power of organizing and controlling the militia, in every particular, save only the appointment of officers.

And as Congress has provided for calling forth the militia of the States, as we have seen, and as there is no law authorizing the same to be done in this State, it will be presumed that the duties performed by, and the appointment of, the officers in question, were

had by virtue of that Act of Congress, especially when we see that no other authority could have ordered it. Upon this point, there need not anything further be said, for the Governor, in his message, shows that the drafting was not had by any law of this State, but that "it was made under the first section of the Act of Congress of July 17, 1862," and "was conducted throughout the United States by Assistant Adjutant General Buckingham." The Governor, acting under the authority of that Act and the regulations made in pursuance thereof, in appointing these officers, did so for the President, and their appointment thereby became the act of the President. In 13 Peters, 512, it is shown that, at the request of the Secretary of War, the Commissioner of the General Land Office marked upon a map, a section as reserved for military purposes—the law of Congress required the President to make the reservation—the court said, "that the President speaks and acts through the heads of the proper departments," and held "that the act of the War Department, requiring this reservation to be made, as being, in legal contemplation, the act of the President; that it was made by order of the President, within the terms of the Act of Congress."

That these persons were not officers *in* the militia, is clearly shown by their commissions; had they been appointed in the militia of this State, their commissions would be for the term of six years, as provided by statute; and if in the militia called forth by the Act of Congress, their term of service would have been for nine months. Their duty was to assist in organizing the militia, over which Congress has the exclusive power. And when the militia was completely organized, and ready to receive the officers in the militia, their authority ceased. The militia drafted in this State were placed in old regiments, and companies already officered, and there was no separate organization of the militia, and consequently there were no officers in the militia appointed or needed.

To claim that these commissioners are officers in the militia would be as preposterous as claiming that the county treasurer is an officer in the circuit court, simply because he may assist in selecting the petit jurors of that Court; or a person appointed to organize a corporation is an officer in that corporation, while it has no existence. We, therefore, conclude that the office of Enrolling and Drafting Commissioner is lucrative, and does not come within the first proviso of the section of the Constitution quoted.

The only question remaining is this:



Can a person hold the office of Senator and another lucrative office at the same time? To hold an office, requires something to be done on the part of the person selected; the mere election or appointment is not sufficient to invest such a person with an office. He must signify his acceptance of the same by some act of his. The Constitution of our State, Art. 15, Sec. 4, requires a certain oath or affirmation to be first taken, and this must be a voluntary act of the person; after this has been done, the person becomes an officer, or, in the language of the Constitution, "holds" the office, and, of course, from that moment, continues as such for the term appointed.

We are of the opinion that a person may hold an office or appointment from the time of his election as a member of the General Assembly, until he attempts to take a seat in the Legislature, for the reason above stated, that a person can not be compelled to take such an office against his will; he may not accept or take the necessary oath; but once having accepted the office by voluntarily qualifying thereto, he can not afterward, and before his time expires, hold another lucrative office without vacating the first.

Such seems to have been the intention of the framers of the Constitution, and such has been the prevailing rule in the United States Congress.

We are, therefore, of the opinion that those Senators who were elected in the year 1860, and subsequently took the necessary oath and discharged the duties of their office, and afterward, in 1862, accepted the office of Enrolling and Drafting Commissioners of the militia, and discharged the duties of such, vacated the office of Senator, which they were then holding.

We have sought, through the argument of the majority of the committee, in vain for some substantial reason for the conclusions to which they have arrived.

In one part of the report, it is contended that the office of Enrolling and Drafting Commissioner is no office at all; nothing but an agency to do and perform certain acts, which the Governor would otherwise be compelled *personally* to perform. The absurdity of this proposition is seen in its statement. What work performed by those officials could the Governor have performed himself? Could he have personally enrolled the militia? Could he have examined persons claiming to be exempt. Could he have conducted the draft? Certainly not. As well might it be claimed that the office of Adjutant General was an agency.

Again, it is asserted that if the Governor appointed these persons to the offices in question, then, in doing so, he assumed to act as a Federal officer, and thereby vacated his office as Governor. In the case of *Prigg v. The State of Pennsylvania*, it was held by the Supreme Courts of the United States, that a State officer might exercise powers conferred by Act of Congress or not, at his option, and it did not thereby change his official character.

So, by Act of Congress, the judges of the State courts are authorized to hear criminal charges, for violations of the laws of the United States, and commit, discharge, or let to bail, as the facts of the case may warrant. Do they, by acting under those laws, become Federal judges, and vacate their offices as State judges? Such is the argument of the majority report, but it will be seen, at once, that is untenable.

After an attempt to demonstrate that the office of Enrolling and Drafting Commissioner is no office, the report of the majority proceeds to demonstrate that it is an office, but that it is "in the militia of this State," to which no salary is attached.

This question has already been considered, and it is enough to say, that whilst we admit that all offices may be classed either as civil or military, it does not follow that an office connected with the military is "in the militia." Officers whose duties are preliminary to the organization of the militia, are no more officers "in the militia," than are officers appointed to organize a corporation, officers in the corporation. There can be no officers in that which has no organized existence.

We are, therefore, of opinion that the following resolution ought to be adopted:

*Resolved*, That any Senator who has, since his election and qualification to said office, accepted the office of Enrolling or Drafting Commissioner, is ineligible to a seat in this house.

F. LANDERS,  
*On behalf of the minority.*

Mr. Landers moved to lay the majority and minority reports on the table, and that two hundred copies of each be printed;

Which was agreed to.

Mr. Beeson submitted the following report,

Which,

On motion by Mr. Wolfe,  
Was laid on the table :

MR. PRESIDENT :

The Committee on Elections, to which was referred the petition of Alexander White, contesting the seat of Thomas M. Brown, the sitting member from the county of Randolph, have had the same under consideration, and a majority of said committee have directed me to report the same back, and recommend that it be laid upon the table, and that the accompanying resolution be adopted by the Senate :

*Resolved*, That Thomas M. Browne, the sitting member from the district composed of the county of Randolph, is entitled to his seat as the Senator from that district.

Mr. Hord, from the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

The Committee on Enrolled Bills would report that House bills Nos. 15 and 140, were presented to the Governor for his approval and signature, on Tuesday, February 10, at 3 o'clock, P. M.

Mr. Blair submitted the following report,

Which,

On motion by Mr. Shields,  
Was laid on the table :

MR. PRESIDENT :

The Committee on Elections, to which was referred the certificate and accompanying papers of William H. Dills ; contesting the seat of Timothy R. Dickinson, the sitting member of this Senate, from the counties of Noble, DeKalb, and Steuben, have had the same under consideration, and a majority of said committee have directed me to report the same back, and ask that they may be laid on the table, and they further recommend the adoption of the accompanying resolution :

*Resolved*, That Timothy R. Dickinson, the sitting member from the counties of Noble, DeKalb, and Steuben, is legally entitled to retain his seat as a member of this Senate.

Mr. Wilson submitted the following report, which was concurred in:

MR. PRESIDENT :

The Committee on Banks, to whom was referred Senate bill No. 92, have had the same under consideration, and directed me to report said bill back to the Senate, and recommend its passage.

Mr. Moore submitted the following report, which was concurred in:

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 98, an act to repeal all provisions of acts of incorporations heretofore passed, requiring any company or companies to complete any plank road, gravel road or McAdamized road, and authorizing said companies in certain cases, to collect toll on said road, have had the same under consideration, and have directed me to report it back to the Senate, and recommend that it lie on the table.

Mr. Mansfield submitted the following report:

MR. PRESIDENT :

The Committee on Military Affairs, to which was referred Senate Joint Resolution No. 9, requesting our Senators and Representatives in Congress to use their efforts to procure the passage of a law by Congress for the payment of the soldiers and officers of the army, in gold, or its standard value, if paid in paper currency, have had the same under consideration, according to order, and have directed me to report that as the Senate has already, during the present session, expressed an opinion in favor of an increase of the soldiers' pay, and as the precedent sought to be established by these resolutions would not, in the opinion of the committee, be a good one, and the practical working of it be inconvenient, they recommend that the joint resolution be laid on the table.

Leave being granted,

Mr. Cobb offered the following resolution, which was adopted :

WHEREAS, The distinguished patriot and soldier, General Nathan Kimball, is in this city ; therefore,

*Resolved*, That he be invited to a seat in this chamber, that a committee of three be appointed by the chair to wait upon him and inform him of the passage of this resolution, and that the Senate give him a public reception upon his introduction by the President.

The President appointed Senators Cobb, March and Shields said committee.

The committee, after a short absence, returned, and through their Chairman, (Mr. Cobb,) introduced General Kimball to the President of the Senate, who, in a short speech, introduced him to the Senate.

In response to which, General Kimball delivered a brief and eloquent speech.

The President announced the special order for this hour, being the consideration of Senate bill No. 79. A bill to protect the liberty of the press, declaring certain acts infringing the liberty of the press to be felonies, and prescribing punishment therefor, and providing compensation to persons whose property is injured or destroyed by mob violence in certain cases, and declaring when this act shall take effect.

The pending question being Mr. March's amendment to strike out the second sections of the bill ;

On motion by Mr. Cobb,

The Senate adjourned.



2 O'CLOCK, P. M.

The Senate met.

Leave being granted,

Mr. Ferguson offered the following resolution, which was adopted :

*Resolved*, That the Committee on the State Prisons do have leave of absence for the purpose of visiting the Southern Prison on to-morrow.

Mr. Cobb, by leave, offered the following resolution, which was adopted :

*Resolved*, That the Doorkeeper be instructed to purchase three dollars worth of postage stamps for each Senator and elective officer of the Senate, one dollar worth in one cent, and two dollars in three cent stamps.

Mr. Corbin, by leave, introduced

Senate bill No. 119, entitled "an act repealing an act approved March 5, 1861, authorizing the Governor to obtain possession of all public arms and military equipments, to institute proceedings to recover the same, and providing for the distribution of the same ;"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Corbin, by leave, offered the following resolution :

WHEREAS, Much disaffection is now prevailing among the citizens of this State, in consequence of various rumors which are obtaining credit, that his Excellency, O. P. Morton, under the pretended authority of law, is distributing arms to secret organizations in various counties in this State, thereby inciting the citizens to acts of violence and revolution ; and

WHEREAS, A plain, unequivocal report by him, showing the distribution of all arms by him, to whom sent, and where, and at



whose request, and for what purpose distributed, would materially contribute to allay said excitement; therefore,

*Be it Resolved*, That his Excellency, O. P. Morton, be, and he is hereby requested to report to the Senate, at his earliest convenience, the number and kind of arms by him, or by his direction or authority, distributed, to whom sent and where, the amount sent to each place, at whose request, and for what purpose were they sent, and that a committee of two be appointed to request his Excellency to comply with the requirements of this resolution.

The President made said committee to consist of Messrs. Corbin and Reed.

Mr. March moved to strike out the preamble.

On motion by Mr. Cobb,

This motion was laid on the table.

The resolution was then adopted.

Mr. Douglass submitted the following, which was concurred in:

MR. PRESIDENT:

The Committee on Education, to whom was referred the accompanying resolution, asking an amendment to section 25 of the school law, have had the same under careful consideration, and instructed me to report that they deem it imprudent to make any amendment to said section.

Mr. Ray submitted the following report, which was concurred in.

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred joint resolution No. 7, in relation to the acceptance of donation of Congress of public lands, have had the same under consideration, and have instructed me to report the same to the Senate with the recommendation that it pass.

Mr. Finch submitted the following report, which was concurred in:

The Committee on Roads, to whom is referred Senate bill No. 57, submit the following report :

Amend section 8 of the bill by striking out " five miles," and inserting " eight miles."

Also, add to section 11, "*Provided*, That persons whose place of business require them to travel regularly an average of once a day through any gate in going from their residence to their place of business, shall pay only one half of the above rates of toll." When the bill is amended as above, the committee recommend its passage.

Mr. McClurg, from the Committee on Swamp Lands, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Swamp Lands, to whom was referred Senate bill No. 50, entitled " a bill for the relief of John B. Redd," have had the same under consideration, and instruct me to report it back to the Senate, with the recommendation that it lie on the table, for the reason that another bill is before the committee embodying the same subject, and more comprehensive in its provisions.

Mr. Ray, Chairman of the Committee on the Judiciary, submitted the following report, which was concurred in.

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 95, have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that the same be referred to the Committee on Finance.

Mr. Johnson offered the following resolution :

WHEREAS, Under the Constitution of the State of Indiana, a session of the General Assembly cannot extend beyond the term of sixty-one days :

AND WHEREAS, The time is now more than half out, and inasmuch as there is a large amount of important business deserves the attention of the Senate; be it therefore

*Resolved*, That no Senator shall be allowed to speak more than ten minutes at any one time during the remainder of this session, except it be at night sessions.

Mr. Brown of Wells moved to amend by inserting in its proper place, "except by special leave of the Senate."

Mr. Johnson moved to amend the amendment by inserting "the unanimous consent of the Senate;"

Which was adopted.

Mr. Johnson moved to lay the amendment as amended on the table;

Which motion was agreed to.

Mr. Graves offered the following amendment:

Strike out after the resolving clause, and insert:

*Resolved*, That except at night sessions no member shall speak more than twenty minutes to any question the first time, and not more than ten minutes if he shall speak to the same question a second time, without special consent of the Senate.

Mr. Douglass made an ineffectual motion to lay this amendment on the table.

The question being on the adoption of the amendment,

The ayes and noes were demanded by Messrs. Johnson and Claypool, and being taken, resulted as follows—ayes 25, noes 18:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Graves,	Pleak,
Bearss,	Claypool,	Hoagland,	Ray,
Beeson,	Davis of Parke,	Hord,	Reed,
Berry,	Dickinson,	McClurg,	Teegarden,
Blair,	Dunning,	Melletts,	Wolfe, and
Browne of R.,	Ferguson,	New,	Wright—25.
Brown of Wells,	Finch,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Gifford,	Moore,
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Bradley,	Douglass,	Jenkins,	Murray,
Cobb,	Downey,	Johnson,	Shields, and
Corbin,	Fuller,	Mansfield,	Williams—18.
Culver,	Gaff,	March,	

So the amendment was adopted.

The resolution as amended was then adopted.

A message from the House :

MR. PRESIDENT :

I am directed to transmit to the Senate the following enrolled act of the House, to-wit :

House bill No. 28, entitled an act to amend an act entitled an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, approved February 26, 1857, which latter act was approved March 9, 1861, and engrossed amendment of which bill passed by the Senate having been concurred in by the House, which has received the signature of the Speaker of the House of Representatives, and is respectfully submitted for the signature of the President of the Senate.

The President thereupon affixed his signature to House bill No. 28, referred to in the foregoing message.

On motion by Mr. Williams,

Senate bill No. 111 was made the special order for 3 o'clock P. M. this day.

On motion by Mr. Gifford,

Senate bill No: 38, entitled an act authorizing the sale of canals, authorizing the purchaser or purchasers, and his or their assignees, to organize companies and fixing the power of such companies ;

Was taken up and read a third time.

Mr. Culver (by unanimous consent of the Senate), amended the bill as follows :

*Provided*, That nothing in this act shall be so construed as to embrace any canal, or any part thereof, which has been, in whole or in part, built or constructed by the proceeds of lands donated to

the State of Indiana, by the Congress of the United States for canal purposes.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Grubb,	New,
Bearss,	Davis of Parke,	Hoagland,	Pleak,
Beeson,	Dickinson,	Hord,	Ray,
Berry,	Douglass,	Johnson,	Reed,
Blair,	Dunning,	March,	Shields,
Browne of R.,	Finch,	Melletts,	Wilson,
Brown of Wells,	Gaff,	Moore,	Wolfe, and
Campbell,	Gifford,	Murray,	Wright—33.
Cobb,	Graves,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Corbin,	Ferguson,	McClurg, and
Bradley,	Davis of Cass,	Fuller,	Teegarden—10.
Claypool,	Downey,	Jenkins,	

So the bill passed.

On motion by Mr. Culver,

The title was amended so as to embrace his amendment to the bill.

Mr. Johnson submitted the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate bill No. 78, a bill to amend the 8th section of an act entitled an act in relation to county treasurers, approved June 4, 1852, have had the same under consideration, and have directed me to report it back and recommend its passage.

On motion by Mr. Reed,

The bill was referred to a special committee of five, with the following instructions offered by Mr. Wolfe:

Amend the bill so as to provide that all allowances made against a county shall be made subject to any taxes due from the person in

whose favor the order is drawn, and the auditor shall deduct all such taxes, and draw the order for the residue.

The President announced said committee to consist of Senators Reed, Johnson, Wright, Wolfe, and New.

On motion by Mr. Cobb,

The Senate joint resolution No. 10, entitled a joint resolution in relation to the enlisting and arming of negroes in the army of the United States, was taken up.

Mr. Cobb demanded the previous question.

The ayes and noes were demanded by Messrs. Browne of Randolph and Bearss, and being taken, resulted as follows: Ayes 25, noes 22.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hoagland,	Moore,
Bradley,	Dunning,	Hord,	Ray,
Brown of Wells,	Ferguson,	Jenkins,	Shields,
Cobb,	Finch,	Johnson,	Williams,
Corbin,	Fuller,	Landers,	Wilson, and
Davis of Cass,	Gaff,	McClurg,	Wolfe—25.
Douglass,	Gifford,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Blair,	Dickinson,	Murray,	Wright—22.
Browne of R.,	Graves,	New,	

So the demand for the previous question was not sustained.

Mr. Reed moved to amend the joint resolution as follows:

Strike out all after the first specification of the preamble, and insert the following:

AND WHEREAS, great prejudice exists in the public mind against the negro race, it being regarded as inferior to the Anglo Saxon,



and unfit to associate on terms of equality with the white citizen, and its employment in the military service of the country as degrading to the white soldier; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to shape the provisions of the bill now pending before Congress, for arming the negroes as aforesaid, so as to secure the following ends:*

1. That such negro troops, so far as compatible with the good of the service and the efficiency of the army, be employed in separate departments in the military and naval service of the country, and not in immediate contact with white troops.

2. That in officering such negro troops, no rank higher than that of Captain be conferred upon persons of African descent, nor shall any such person, in any instance, be placed in command over white officers or soldiers.

Mr. Wolfe demand the previous question.

The ayes and noes were demanded by Messrs. Claypool and Mellett, and being taken, resulted as follows—ayes 26, noes 20:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Gifford,	Moore,
Bradley,	Dunning,	Hoagland,	Ray,
Brown of Wells,	Ferguson,	Hord,	Shields,
Cobb,	Finch,	Jenkins,	Williams,
Corbin,	Fuller,	Johnson,	Wilson, and
Davis of Cass,	Gaff,	Landers,	Wolfe—26.
Douglass,	Graves,	McClurg,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Mellett,	White, and
Blair,	Dickinson,	New,	Wright—20.
Browne of R.,			

So the demand for the previous question was seconded.

The question being on Mr. Reed's amendment, the ayes and noes were taken and resulted as follows—ayes 20, noes 25.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	Grubb,	Pleak,
Bearss,	Culver,	Mansfield,	Reed,
Beeson,	Davis of Parke,	March,	Teegarden,
Berry,	Dickinson,	Melletts,	White, and
Blair,	Graves,	New,	Wright—20.
Browne of R.,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Dunning,	Hoagland,	Moore,
Bradley,	Downey,	Hord,	Ray,
Brown of Wells,	Ferguson,	Jenkins,	Shields,
Cobb,	Finch,	Johnson,	Williams,
Corbin,	Fuller,	Landers,	Wilson, and
Davis of Cass,	Gaff,	McClurg,	Wolfe—25.
Douglass,	Gifford,		

So the amendment was rejected.

Mr. Bearss moved to adjourn.

The ayes and noes were demanded by Messrs. Bearss, Brown of Wells, March, Gifford, and Mellett, and being taken, resulted as follows—ayes 19, noes 26.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Blair,	Graves,	New,	Wright—19.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Dickinson,	Gaff,	McClurg,
Bradley,	Douglass,	Gifford,	Moore,

Browne of R.,	Downey,	Hoagland,	Ray,
Brown of Wells,	Dunning,	Hord,	Shields,
Cobb,	Ferguson,	Jenkins,	Williams,
Corbin,	Finch,	Johnson,	Wilson, and
Davis of Cass,	Fuller,	Landers,	Wolfe—26.

So the Senate refused to adjourn.

On motion by Mr. March,  
The Senate adjourned.

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SATURDAY, 9 o'clock, A. M., }  
February 14, 1863. }

The Senate met.

The Journal of yesterday was read and approved.

Mr. Graves asked and obtained leave of absence for one week, for Mr. McClurg.

Mr. Mellett asked and obtained leave of absence for Mr. Claypool until Thursday next.

Mr. Hord submitted the following report:

MR. PRESIDENT:

The Committee on Swamp Lands, to whom was referred Senate bill No. 94, entitled "an act for the relief of purchasers of swamp lands, when the sale and conveyance thereof to such purchasers was invalid, and conveyed no good and sufficient title therefor, or where the title to such lands may have failed after the sale thereof, and also declaring when such act shall take effect" would respectfully report that they have had said bill under consideration, and hereby report the same back and recommend that the same lie on the table, and the committee have instructed me to report the following bill in lieu thereof, and recommend its passage:

S. J.—22

Senate bill No. 121. Entitled an act for the relief of purchasers of swamp lands, when the sale and conveyance thereof to such purchasers was invalid, and conveyed no good and sufficient title therefor, or when the title to such lands may have failed after the sale thereof, and also declaring when such act shall take effect;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Blair, from the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

The Committee on Enrolled Bills would report that House bill No. 28 was presented to the Governor for his approval and signature, on the 13th of February, 1863, at 3 o'clock, P. M.

Mr. Ray submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 84, entitled an act regulating the fees of county recorders, and defining their duties in certain cases, have had the same under consideration, and have instructed me to report the same back with a recommendation that it be amended as follows, and when so amended, that it pass, viz:

Strike out from section one, in the sixteenth line, after the words "sum of" the words "*fifteen*," and insert "*ten*." And in the eighteenth line of the same section, after the words "sum of," strike out "*two dollars*," and insert the words "*one dollar*." Again strike out the whole of section two, except the last four lines. Again, strike out the word "*fifteen*," in the sixth line of section three of said bill, and insert the word "*ten*," in lieu thereof.

Mr. March offered the following amendment:

Strike out that portion of the bill which requires fees for recording wills and partitions of real estate previous to 1859, to be paid out of county treasury.

Mr. Wolfe moved to amend the amendment:

Recommit with instructions to insert a section providing that it shall be the duty of the Recorder to make a general alphabetical index of titles by devise, partition, or judgment of the court, as may be upon the records in the Clerk's office.

Mr. Johnson offered the following amendment by way of instruction :

Amend the third section of the bill by striking out the words where they occur, "Judge of the Courts of Common Pleas," and insert "the Board of County Commissioners."

On motion of Mr. Graves,

The bill and proposed amendments were recommitted to the Judiciary Committee.

Mr. New asked and obtained leave of absence for Mr. Bearss, till Wednesday next.

Leave being granted,

Mr. Browne of Randolph introduced

Senate bill No. 122. A bill to amend the first section of an act entitled "an act for the relief of borrowers of the sinking fund, and to repeal the fourth section, and so much as applies to the sinking fund of the whole act entitled "an act to extend to borrowers of the Sinking Fund, Surplus Revenue Fund, Congressional School Fund, and other funds, time of payment of loans, and prescribing the duties of the officers in regard thereto, approved March 3, 1859, and prescribing how mortgages may be substituted, and containing some provisions respecting the Sinking Fund and its control and management, and matters properly connected therewith, approved March 9, 1861;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. New offered the following resolution :

*Resolved*, That when the Senate adjourn it be until Monday, at 2 o'clock, P. M.

Mr. Williams moved to lay the resolution on the table;  
Which was agreed to.

Mr. Downey submitted the following report:

MR. PRESIDENT:

The Committee on Rights and Privileges, to which was referred the memorial of citizens of the county of Grant, on the subject of the immigration of negroes and mulattoes into the State, have directed me to report the same back to the Senate, as there are several bills already pending on that subject, and ask that the same may be laid on the table, or referred to the committee having such pending bills under consideration.

The report was laid on the table.

Mr. Johnson submitted the following report,  
Which,

On motion by Mr. Williams,

Was postponed till next Wednesday at 10 o'clock, A. M.

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate bill No. 77, "a bill to amend the 23d section of an act entitled an act to provide for the valuation and appraisement of the real and personal property, and the collection of taxes in the State of Indiana," &c., with sundry amendments, have had the same under consideration, and have directed me to report the same back with the following amendment, and when so amended, recommend its passage; and recommend that the amendments referred with the bill lie on the table:

Amend by striking out of the bill the four first lines of the first statement, and insert the following:

1st. Money on hand or on deposit either within or without this State:

2d. Money at interest either within or without this State.

3d. The value of all demands against any person or body corporate, either within or without this State. *Provided*, That each tax-payer may and is hereby authorized to deduct the amount of his indebtedness out of any or all of the above mentioned items.



Strike out the word "second," where it occurs, and insert "fourth." Strike out the word "third," and insert "fifth." Strike out the word "fourth," and insert "sixth." Strike out the word "fifth and insert "seventh."

Mr. Downey submitted the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges, to which was referred the resolution directing them to inquire into the expediency of passing a law exempting the property of all soldiers from execution, while absent from home in the service of the United States, or this State, with leave to report by bill or otherwise, have had the same under consideration, and have directed me to report that while they are of opinion that a law exempting the property of any class of persons from sale on execution, would probably be objectionable on constitutional grounds, they believe the object sought to be accomplished may be effected by the amendment of a section in the code of practice, and they therefore report the following bill :

Senate bill No. 123, introduced by the Committee on the Judiciary, entitled "an act to amend the thirty-fifth section of the act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State," &c., approved June 18, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Johnson submitted the following report, which was concurred in:

MR. PRESIDENT :

The Committee on County and Township business, to whom was referred resolution of the Senate instructing the committee to inquire into the expediency of so amending the law on the subject of County Recorders' fees as to require that all fees for recording be paid at the time of filing the instrument for record, have had the same under consideration, and inasmuch as there is a bill now before the Senate on the subject, have directed me to report the same back and recommend that it lie on the table.

Mr. Ray submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred a resolution of inquiry on the subject of emigration of negroes, have had the same under consideration, and have instructed me to report the same back, with the recommendation that the Judiciary Committee be instructed to report a bill on the subject, which, it is understood, they have in course of preparation.

Mr. March submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary to whom was referred Senate bill No. 59, fixing the amount of fees to be paid into the State Treasury for the services of the Auditor and Secretary of State in certain cases, to repeal all conflicting acts, with instructions to incorporate an accompanying amendment, have had the same under consideration, and directed me to report the same back, amended as directed, and when so amended, recommend that the bill do pass.

Mr. Browne of Randolph, offered the following resolution, which, under the rules, lies over for one day.

*Resolved*, That hereafter the Senate meet at 8 o'clock, A. M., and 1½ o'clock, P. M., of each day, and that it have evening sessions on Tuesday and Friday nights of each week, commencing at 7½ o'clock.

Mr. Brown of Wells introduced

Senate bill No. 123, entitled "a bill to amend the 738th section, under the 23d article of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, so as to enlarge the powers of the Supreme Court in respect to writs of mandate and prohibition.

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Johnson introduced

Senate bill No. 124. An act to amend sections 1 and 4 of an act entitled "an act to provide for locating and working highways situated upon county lines," approved March, 3d, 1859;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. White introduced

Senate bill No. 125, entitled "an act to amend the fifth section of an act entitled "an act for incorporating the Wabash Manual Labor College and Teachers' Seminary," approved January 15, 1834, approved February 8, 1851;

Which was read the first time, and passed to the second reading on to-morrow.

Mr. Blair introduced

Senate bill No. 126. A bill to amend the fifth section of an act entitled "an act regulating the adoption of heirs;"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. New introduced.

Senate bill No. 127, entitled "an act supplemental to an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith," approved March 11, 1861;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Ray introduced

Senate bill No. 128, entitled an act concerning the redemption of real estate, sold on behalf of the Sinking Fund, the College Fund, the Saline Fund, the Surplus Revenue Fund, and the Bank Tax Fund;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Brown of Wells introduced

Senate bill No. 129, entitled an act in relation to suits and proceedings, and against joint stock companies ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Brown of Wells introduced

Senate bill No. 130, entitled "An act relative to the trial of offences committed against stock companies and associations, passed 1863 ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. March introduced

Senate bill No. 131. "An act to amend the 99 section of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and passed to a second reading on to-morrow.

Senate bill No. 104 was read by title and referred to a select committee of three, namely: Messrs. Graves, Hord and Hoagland.

House bill No. 44. An act to amend the sixth section of an act to fix the time of holding the common pleas courts in the several counties of this State, the duration of the terms thereof, and making all process from the present common pleas courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859 ;

Which was read a first time, and passed to a second reading on to-morrow.

House bill No. 54. An act to authorize County Treasurers to offer lands delinquent for taxes for sale at the Auditor's office ;

Was read a second time, and amended, on motion by Mr. Graves, as follows :

Amend by adding "or in such other convenient room in the neighborhood of such office as he may adjourn to."

The bill was then passed to a third reading.

Mr. Ray introduced

Senate bill No. 132, entitled an act for the re-organization of the circuit courts of the State of Indiana, providing for the election and compensation of judges, prosecuting attorneys and jurisdiction of the said courts, and for repealing an act entitled an act to establish courts of common pleas, and defining the jurisdiction and duties of and providing compensation for the judges thereof, approved May 14, 1852, and all acts amendatory thereof.

Which was read a first time, and passed to a second reading on to-morrow.

House bill No. 20, entitled an act to amend section forty-six of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, approved March 11, 1861 ;

Was read a second time, and referred to the Committee on County and Township Business.

House bill No. 66. An act to amend the act entitled "An act to incorporate the Wabash Navigation Company," approved January 13, 1846, and to authorize the said company to raise money when necessary to make repairs on their works ;

Read a second time, and referred to a select committee of three, consisting of Messrs. Williams, Wilson and Finch.

House bill No. 69. A bill to regulate the duties of the State Librarian ;

Read a second time, and referred to the Judiciary Committee.

House bill No.-95. An act to fix the time of holding the courts of common pleas in the counties of Adams, Wells, Huntington and Allen, the duration of the terms thereof, and making all process

from the present common pleas courts returnable to such terms, and declaring when this act shall take effect;

Was read a second time, and passed to a third reading.

Senate bill No. 105 was read by title.

Mr. March offered an amendment, which, together with the bill, was referred to the Committee on Education.

On motion by Mr. Wolfe,  
The Senate adjourned.

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2 O'CLOCK, P. M.

Senate met.

Senate bill No. 106. A bill to provide for the prompt payment of the officers and soldiers in the army of the United States, raised and organized in the State of Indiana, and to provide means for that purpose;

Was read a second time, and referred to the Committee on Finance.

Senate bill No. 107. A bill to repeal an act making an appropriation to defray the expense of proposing to respond to the call of the President of the United States for troops, approved May 6, 1861;

Was read a second time, and referred to the Judiciary Committee.

Senate bill No. 109. A bill requiring the county commissioners of the several counties of this State to make allowances and issue orders therefor in certain cases therein specified;

Was read a second time, and referred to the Committee on County and Township Business.

Senate bill No. 110. An act to create the sixteenth judicial cir-



cuit, to provide for the appointment and election of a prosecuting attorney and a judge therein, and also to provide for holding the terms of courts therein, and the return to said courts of all process, recognizances, and notices of publication, heretofore or hereafter issued and taken by the present circuit courts of the counties in said district;

Which was read a second time, and referred to the Committee on Organization of Courts.

Senate bill No. 112, for an act to amend the seventh section of an act entitled an act to provide for the election of a reporter of the decisions of the Supreme Court, and for the compensation of such reporter, approved February 5, 1852;

Which was read a second time, and referred to the Committee on Finance.

Senate bill No. 113. A bill to repeal an act to provide for the defense of the State of Indiana; to procure first class arms, artillery, cavalry and infantry equipments, and munitions of war; making the necessary appropriation therefor, and authorizing the Governor to borrow money;

Was read a second time, and referred to the Committee on Finance.

Senate bill No. 114. A bill to amend section thirteen of an act entitled "an act defining felonies and prescribing punishment therefor, approved June 10, 1852, and to more fully protect the citizens of the State from arbitrary arrests, and securing the privileges of the writ of habeas corpus to such as may be arrested without due process of law;

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 115. An act to amend an act entitled an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and defining their powers, approved January 11, 1852;

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 116. A bill authorizing the Secretary of State to purchase and distribute for the use of the State copies of a new

edition of Blackford's Reports, and appropriating money to pay for the same;

Was read a second time, and referred to the Committee on Finance.

Senate bill No. 117. An act to amend section 111 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith;

Was read a second time, and referred to the Committee on County and Township Business.

Senate bill No. 118. A bill to amend the seventieth section of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852;

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 119. An act repealing an act approved March 5, 1861, authorizing the Governor to obtain possession of all public arms and military equipments, to institute proceedings to recover the same, and providing for the distribution of the same;

Was read a second time, and referred to the Committee on Military Affairs.

Joint resolution No. 11. To appoint an agent to examine into the affairs of the Bank of the State of Indiana, and particularly the Lawrenceburg branch thereof;

Was read a second time, and referred to the Committee on the Judiciary.

Senate joint resolution No. 12 was read by title, and referred to the Committee on Federal Relations.

Mr. Shields asked and obtained leave of absence for Mr. Hord.

A message from the House:

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following engrossed bills thereof, to-wit:

House bill No. 48. An act to prohibit judges of the Common Pleas Courts of this State from practicing as attorneys in any of the inferior Courts within their districts respectively.

House bill No. 57. An act to provide that the value of United States Government stamp duties, required and used in original process, certificates, bonds, appraisements, deeds of conveyance by sheriffs, and on other instruments, shall in all actions be taxed and collected as other costs in said action.

House bill No. 58. An act to amend section 80 of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms, in civil cases, in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

House bill No. 62. An act repealing section 28 of chapter 6 of an act defining felonies, and prescribing punishment therefor, approved June 10, 1852, and defining the crime of arson, and prescribing punishment therefor, and punishment for any injury to any person resulting from arson.

House bill No. 82. An act to amend the first section of an act to amend an act entitled an act to amend the 6th section of an act providing for the organization of county boards, and prescribing some of their powers and duties, which first above mentioned act was approved June 17, 1852. That said second mentioned act was approved Feb. 16, 1859, and which latter act, last above mentioned, was approved March 9, 1861.

House bill No. 83. An act to amend the 21st section of an act prescribing the duties of justices of the peace in State prosecutions, and to enable justices to obtain mileage in making returns, approved March 1, 1855, and prescribing a penalty for neglecting to perform the duties therein required.

House bill No. 110. An act to amend section one of an act entitled an act to amend section three of an act entitled an act for

the regulation of weights and measures, approved June 9, 1852; approved Feb. 28, 1855.

The House bills numbered 48, 57, 58, 62, 82, 83, and 110, contained in the foregoing message, were severally read the first time, and passed to a second reading on to-morrow.

A message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

House bill No. 17. An act to confirm and make valid sales of real estate in the State of Indiana, made by Trustees, and by Domestic and Foreign Executors.

House bill No. 23. An act to fix the succession of title to real estate held by county and district agricultural Societies.

House bill No. 78. An act to enable the owners of wet lands to drain and reclaim them when the same cannot be done without affecting the lands of others.

House bill No. 87. An act defining what shall constitute an assault, and prescribing the punishment therefor, and prescribing what court shall have jurisdiction thereof.

House bill No. 97. An act to repeal an act entitled an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof, approved June 11, 1852, chapter third of the Revised Statutes of 1852.

House bill No. 107. An act for the relief of Ninevah Berry.

House bill No. 114. An act requiring recorders to certify to the record of deeds, mortgages, and other instruments admissible to record.

House bill No. 117. An act to authorize the transfer of the Congressional Township School Funds, which accrued from the sale of school lands within the territory now forming the county of Newton, to said county, from the county of Jasper.

House bill No. 119. An act to amend the 21st section of an act entitled "an act to fix the times of holding the common pleas courts in the several counties of this State, the duration of the terms thereof and making all process from the present common pleas courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, and providing for the return of process to the terms fixed by this act, and declaring when this act shall take effect.

House bill No. 128. An act authorizing recorders to demand their fees in advance, and repealing all laws inconsistent therewith.

House bill No. 129. An act to provide that the laws of this State regulating the salaries of officers shall not be so construed as to permit the public officers thereof to receive their salaries in advance, and to repeal all laws coming in conflict with this act.

House bill No. 133. An act to amend the twentieth section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions, in the courts of this State," approved June 17, 1852, and to authorize prosecuting and district attorneys to administer oaths, and take and certify affidavits in certain cases.

House bill No. 139. An act to raise a revenue for State purposes for the years eighteen hundred and sixty-three and eighteen hundred and sixty-four.

House bill No. 145. An act for the relief of George Arnold;  
In which the concurrence of the Senate is respectfully requested.

The House bills numbered 17, 23, 78, 87, 97, 107, 114, 117, 119, 128, 129, 133, 139, and 145, contained in the foregoing message, were severally read the first time and passed to the second reading on to-morrow.

Mr. Ray submitted the following protest, which was ordered to be spread upon the Journal.

MR. PRESIDENT:

During the present session of the Senate I have witnessed with



regret the action of the Senate in granting leave of absence to members to leave the capital and their seats in this hall to return to their homes to attend to their private business, leaving the Senate for many days without a quorum to do legislative business. He has likewise witnessed with regret the repeated adjournments extending from Saturday forenoon to Monday afternoon. He has also witnessed with regret the liberty that members of this body take in absenting themselves from their seats for days without leave of the Senate—all of which has been done contrary to his convictions of public duty, and against his opposition, expressed by votes and otherwise.

And inasmuch as the session is more than half expired, without any adequate fruits of legislative industry; and inasmuch as the Democratic Party will be held measurably responsible for the aforesaid grievances; and inasmuch as the Senate, on this day, has granted leave of absence for several days to the Senators from Miami, from Clinton, and from Bartholomew, against the vote of the undersigned; therefore, he protested and does now protest against all and several the above enumerated grievances; against any repetition or continuance of the same, as impeding legislation by an abandonment of public duty, as injustice to those that remain by throwing upon them the responsibility of all legislation, as a reproach to the Democracy, by leaving them to vindicate in the future a line of policy which no one can approve or defend in the present.

He asks this protest to be spread on the Journal of the Senate.

M. M. RAY,

The protest was also signed by

PARIS C. DUNNING,  
S. K. WOLFE,  
A. J. DOUGLASS,  
P. HOAGLAND,  
GEO. W. MOORE.

On motion by Mr. Campbell,  
The Senate adjourned.



MONDAY, 9 o'clock, A. M., }  
February 16, 1863. }

The Senate met.

The Journal of Saturday was read as far as the protest of Mr. Ray and others,

When,

On motion by Mr. Claypool,

The reading of the protest was dispensed with until the Senator from Shelby was in his seat.

Mr. Williams submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Finance, to whom was referred a resolution to inquire into the expediency of affording relief to the borrowers from the Sinking Fund, by giving them additional time for the payment of the principal due upon the payment of legal interest, &c., have had the same under consideration, and have directed me to report the same back, and recommend that it lie on the table, a bill having been introduced on the subject referred to in the above resolution.

Mr. Downey offered the following report, which was concurred in :

MR. PRESIDENT :

The Judiciary Committee, to which was referred Senate bill No. 101, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Mr. Wolfe submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to which was referred Senate bill No. 83, being "an act providing that creditors and sureties shall have a right of action in certain cases before the debt or liability is due, and providing a remedy by attachment in such cases," &c., have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Mr. Downey submitted the following report, which was concurred in.

MR. PRESIDENT :

The Judiciary Committee, to which was referred Senate bill No. 85, entitled "a bill on the subject of Master Commissioners, their duties and compensation," have had the same under consideration, and have directed me to report the same back to the Senate with the following amendments, and when so amended, to recommend its passage :

On the first page, commencing at line 8, strike out the words "two years unless," and insert the word "until he resign or be." In line 36, before the word "injunctions," insert the word "temporary." At line 72, before the word "injunction," insert the words "restraining order or." At line 82, same page, insert before the word "injunction," the words "restraining order or." In the line next the last, strike out the word "publication," and insert the words "passage, and shall be published."

Amend the title so as to read as follows :

An act providing for the appointment of Master Commissioners, defining their duties, and fixing their compensation, and repealing all other laws on the subject.

Mr. March submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to which was referred Senate bill No. 12, "a bill requiring railroad companies in the State of Indiana to keep on hand, and furnish on reasonable notice being

given by persons offering to ship live stock, or other freights, over their railroads, or to or from any place of shipment thereon, a sufficient number of locomotives, freight cars, and other rolling stock, to transport such freights without delay, and making companies, failing to furnish transportation, liable for damages resulting from such failure," have had the same under consideration, and have directed me to report the same back with the following amendments, and when so amended, the committee recommend the passage of the bill :

Amend by adding the following sections after the second section :

SEC. 3. It shall be the duty of every railroad company, when temporarily unable to furnish means of transportation sufficient for the carriage of all through and way freight that may be offered at its depots and stations, to apportion their means of transportation equally and fairly between the through and way freight, so that neither shall be neglected or postponed exclusively, or in part for the transportation benefit of the other.

SEC. 4. No railroad company shall charge, fix or receive a greater rate per mile for the transportation of freight to be carried, or that has been carried any less distance than the whole length of its road, than is charged, fixed or received per mile for the transportation of freight the whole length of its road.

SEC. 5. Any railroad company wilfully violating either of the provisions of the last two sections, shall forfeit and pay for each violation, any sum not less than twenty nor over one hundred dollars, to be recovered by action against the company by the party aggrieved.

Change the number of section "3," to section "6." Strike out of lines 20 and 21 the words "immediately or remotely."

Mr. March submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred House bill No. 18, being a bill to amend the sixth section of the estray law,

have had the same under consideration, and directed me to report the same back, and recommend its passage with the following amendment :

Add an additional section, as follows :

That section 14 of the above entitled act, which reads as follows: The taker up of property exceeding three dollars in value shall pay to the Justice of the Peace at the time of reporting, fifty cents for the Justice, fifty cents for the Clerk, and one dollar for the printer, where printing is required, but if under three dollars, the Justice shall make no return to the Clerk, and his fee shall be twenty-five cents," be amended so as to read as follows :

SEC. 2. No report shall be made to the Clerk, and the fee of the Justice shall be but twenty-five cents upon property not over three dollars in value ; if over that sum, the fee of the Justice and Clerk shall be fifty cents each, and of the printer two dollars, where printing is required, all of which shall be paid to the Justice by the taker up, at the time of reporting.

Strike out of first section, third line, the word "recited," and insert "entitled."

Insert the words "and fourteen," in the title, after the word "six," and change section to its plural.

Mr. Bradley submitted the following report, which was concurred in.

MR. PRESIDENT :

The Committee on Finance, to whom was referred "A bill for an act to amend the seventh section of an act" entitled "An act to provide for the election of a Reporter of the decisions of the Supreme Court, and for the compensation of such Reporter," approved February 5, 1852, have had the same under consideration, and have instructed me to report said bill back to the Senate, and recommend its passage.

Mr. Wolfe submitted the following report, which was concurred in :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred House bill No. 22, being "An act to amend section twenty-seven of an act regulating the granting of divorces, nullification of marriages, decrees and orders of court incident thereto," have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Mr. Wolfe submitted the following report, which was concurred in.

MR. PRESIDENT :

The Judiciary Committee, to which was referred Senate bill No. 70, (introduced by Mr. Hord,) have had the same under consideration, and have directed me to report the same back, with a recommendation that the same lie upon the table, for the reason that the bill is imperfect, and that Senate bill No. 83, on the same subject, has been recommended to pass.

Mr. Graves submitted the following report :

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 104, entitled "An act for carrying out the sixth section of the twelfth article of the constitution," having had said bill under consideration have directed me to report the same back to the Senate, with the recommendation that it be laid upon the table; the committee having prepared the accompanying bill as a substitute therefor, the passage of which they respectfully recommend.

Senate bill No. 133, entitled an act fixing and determining the amount of the equivalent to be paid by persons conscientiously opposed to bearing arms in pursuance of the requirements of the Constitution; declaring when the same shall be due and payable, directing the making of rules and regulations for the collection thereof, and the manner in which suit therefor shall be brought and judgment recovered; and also declaring when this act shall take effect;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Murray offered the following resolution, which was adopted :

*Resolved*, That the Committee on Benevolent Institutions inquire into the expediency of reporting a bill providing for the transfer of insane persons from the State Prisons to the Insane Hospital.

Mr. Browne of Randolph offered the following resolution, which was adopted :

WHEREAS, Prof. Miles J. Fletcher, late Superintendent of Public Instruction, purchased from John M. Whittemore & Co., of Boston, on the 9th of September, 1862, and on the 31st of May, 1863, sundry books for the Library of the Northern State Prison, for which no appropriation has been made by the Legislature, and which said books are still unpaid for ; therefore,

*Resolved*, That the Committee on Claims be instructed to make inquiry into the matters in the preamble set forth, and report to the Senate upon the correctness of the claim, and upon the propriety of making an appropriation for its payment, and whether or not the purchase was authorized by law.

Mr. Murray introduced

Senate bill No. 134. An act supplemental to an act entitled " An act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for the violation thereof," approved March 5, 1859 ;

Which was read the first time, and passed to a second reading on to-morrow.

On motion by Mr. Claypool,

The reading of the Journal was completed.

(Mr. Ray being in his seat.)

Mr. Willams introduced

Senate bill No. 135, entitled an act to amend the first and third sections of an act entitled an act for the encouragement of Agriculture, approved February 17, 1852 ;



Which was read a first time, and passed to a second reading on to-morrow.

Leave being granted,

Mr. Ray submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 29, introduced by the Senator from Dekalb, have had the same under consideration, and have instructed me to report the same back to the Senate, with a recommendation that it lie on the table.

Leave being granted,

Mr. Ray submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred House bill No. 4, have had the same under consideration, and have instructed me to report the same back to the Senate, with a recommendation that it pass.

Senate bill No. 120, entitled a bill to amend the 738th section, under the 43d article of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to enlarge the powers of the Supreme Court in respect to writs of mandate and prohibition;

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 121. An act for the relief of purchasers of swamp lands, when the sale and conveyance thereof to such purchasers was invalid and conveyed no good and sufficient title therefor, or when the title to such lands may have failed after the sale thereof, and also declaring when such act shall take effect;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 122. A bill to amend the first section of an act entitled an act for the relief of borrowers of the sinking fund, and to repeal the fourth section and so much as applies to the sinking funds of the whole act, entitled "an act to extend to borrowers of the Sinking Fund, Surplus Revenue Fund, Congressional School Fund, and other funds, time of payment of loans, and prescribing the duties of the officers in regard thereto," approved March 3, 1859, and prescribing how mortgages may be substituted, and containing some provisions respecting the sinking fund and its control and management, and matters properly connected therewith, approved March 9, 1861;

Was read a second time, and referred to the Committee on Education.

Senate bill No. 123. A bill to amend the thirty-fifth section of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, approved June 18, 1852;

Was read a second time, and referred to the Judiciary Committee.

Senate bill No. 124. An act to amend the first and fourth sections of an act, entitled an act to provide for locating and working highways situated upon county lines, approved March 3, 1859;

Was read a second time, and referred to the Committee on Roads.

Senate bill No. 125, entitled a bill to amend the fifth section of an act entitled "an act to amend an act entitled an act for incorporating the Wabash Manual Labor College and Teachers' Seminary," approved January 15, 1834, approved February 8, 1851;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 126. A bill to amend the fifth section of an act entitled an act regulating the adoption of heirs;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 12. A bill supplemental to an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters prop-

erly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith," approved March 11, 1861;

Was read a second time, and referred to the Committee on Education.

Senate bill No. 128, entitled a bill concerning the redemption of real estate sold on behalf of the Sinking Fund, the College Fund, the Saline Fund, the Surplus Revenue Fund, and the Bank Tax Fund;

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 129, entitled a bill in relation to suits and proceedings by and against joint stock companies;

Was read a second time, and referred to the Committee on Corporations.

Senate bill No. 130. A bill relative to the trial of offenses committed against joint stock companies and associations;

Was read a second time, and referred to the Committee on Corporations.

Senate bill No. 131, entitled a bill to amend the ninety-ninth section of an act entitled an act to revise, simplify, and abridge the rules of practice, pleadings, and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity, approved June 18, 1852;

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 132 was read by title only, and referred to the Judiciary Committee.

Mr. Browne of Randolph's resolution of yesterday, proposing to change the session hours, coming up,

On motion by Mr. Williams,

It was made the special order for 11 o'clock A. M. on Wednesday next.

On motion by Mr. Douglass,

The Senate adjourned.

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2 O'CLOCK, P. M.

The Senate met.

House bill No. 48, entitled an act to prohibit judges of the Common Pleas Courts of this State from practising as attorneys in any inferior courts within their districts;

Was read a second time, and referred to the Committee on the Judiciary.

House bill No. 17. An act to confirm and make valid sales of land made by trustees and foreign executors;

Was read a second time, and referred to the Judiciary Committee.

House bill No. 23. An act to fix the succession of title of real estate, held by county and district agricultural societies;

Was read a second time, and referred to the Committee on Agriculture.

House bill No. 57, entitled an act to provide that the value of United States Government Stamp duties required and used on original process, certificates, bonds, appraisements, deeds of conveyance by sheriffs, and on other instruments, shall, in all actions, be taxed and collected as other costs in said action;

Was read a second time, and referred to the Committee on the Judiciary.

House bill No. 58. A bill to amend section 80 of the practice act of the revised code of 1852;

Was read a second time, and referred to the Judiciary Committee.

House bill No. 62. An act repealing section 28 of chapter 6, of the act defining felonies, and prescribing punishment therefor, approved June 10, 1852, and defining the crime of arson, and prescribing punishment therefor, and punishment for any injury to any person resulting from arson;

Was read a second time, and referred to the Committee on the Judiciary.

House bill No. 78. A bill to enable persons other than corporations, to reclaim wet lands;

Was read a second time, and referred to the Judiciary Committee.

House bill No. 82, entitled an act to amend the first section of an act to amend an act entitled "An act to amend the 6th section of an act providing for the organization of county boards, and prescribing some of their powers and duties, which first above mentioned act was approved June 17, 1852; that said second mentioned act was approved Feb. 16, 1859, which said last mentioned act was approved March 9, 1861;

Was read a second time, and referred to the Committee on County and Township Business

House bill No. 83. An act to amend the 71st section of an act prescribing the duties of Justices of the peace in State prosecutions, and to enable justices to obtain mileage in making returns, approved March 1, 1855, and prescribing a penalty for neglecting to perform the duties therein required;

Was read a second time, and referred to the Committee on the Judiciary.

House bill No. 87. A bill defining what shall constitute an assault, and prescribing the punishment therefor;

Was read a second time, and referred to the Committee on the Judiciary.

House bill No. 97. An act to repeal an act to establish Courts of Conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof;

Was read a second time, and referred to the Committee on the Organization of Courts.

House bill No. 107. An act for the relief of Nineveh Berry;

Was read a second time, and referred to the Committee on the Judiciary.

House bill No. 110, entitled an act to amend section one of an act entitled "An act to amend section three of an act for the regulation of weights and measures," approved Feb. 28, 1855;

Was read a second time, and referred to the Committee on Agriculture.

House bill No. 114. An act requiring recorders to certify their records of deeds, mortgages, and other instruments admissible to record;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 117. A bill to authorize the Congressional township school fund, which accrued from the sale of school lands within the territory now forming the county of Newton, to said county of Jasper;

Was read a second time, and referred to the Committee on Education.

House bill No. 119, entitled an act to amend the twenty-first section of an act entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws in conflict therewith," approved March 5, 1859, and providing for the return of process to the terms fixed by this act, and declaring when this act shall take effect;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 128. An act authorizing recorders to demand fees in advance;

Was read a second time, and referred to the Committee on County and Township Business.

House bill No. 129. An act to provide that the laws of the State regulating the salaries of officers, shall not be so construed as to permit the public officers thereof to receive their salaries in advance, to repeal all laws coming in conflict with this act;

Was read a second time, and laid on the table.



House bill No. 139. An act to raise a revenue, for State purposes, for the years 1863 and 1864;

Was read a second time, and referred to the Committee on Finance.

House bill No. 133. An act to amend the twentieth section of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions, in the courts of this State, approved June 17, 1852, and to authorize prosecuting attorneys to administer oaths, and take and certify affidavits in certain cases;

Was read a second time, and referred to the Judiciary Committee.

House bill No. 145. Entitled "an act for the relief of George Arnold;"

Was read a second time.

Mr. March moved to amend the bill as follows:

Amend by inserting the following section after the first:

Sec. 2. Whereas, on the 20th day of September, 1852, the northeast quarter of the northwest quarter of section 13, in township 29, north of range 5, west, in Jasper county, Indiana, was sold to John B. Redd, as a part of the swamp lands of the State for fifty dollars, and the certificate of the Auditor of State of that date, was issued to said Redd, reciting the above fact, and stating said land would be patented to the said Redd as soon after its confirmation to the State of Indiana as practicable, and if not confirmed, that said money would be refunded to said purchaser or his assigns; and whereas, said land has never been confirmed to the State of Indiana, but on the contrary had been located by Solomon Sturges, with a military land warrant previous to the conveyance of swamp lands to the State of Indiana by the United States; and whereas, there is no law authorizing the refunding said money to said Redd; therefore,

*Be it enacted by the General Assembly of the State of Indiana,* That the Auditor of State be directed to draw his warrant on the Treasurer of State in favor of said John B. Redd, for the sum of eighty-four dollars, payable out of any funds not otherwise appropriated.

On motion by Mr. Williams,

The bill and pending amendment was referred to the Committee on Swamp Lands, with the following instructions:

To inquire into the expediency of so amending that the same shall be paid out of the funds belonging to said counties in which the land lies.

Leave being granted,

Mr. Williams presented a memorial from the President of the State Board of Agriculture, relative to the occupancy of the Fair Grounds (Camp Morton), by the military, and claiming payment for damages to said grounds and improvements during such occupancy;

Which was read a first time, and referred to the Committee on Claims.

Leave being granted,

Mr. Ray introduced

Senate bill No. 136. Entitled an act entitled "an act to divide the State into eleven Congressional Districts, and to repeal an act entitled 'an act to divide the State into Congressional Districts,'" approved February 9, 1852;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Browne of Randolph demanded a call of the Senate.

The roll being called,

THE FOLLOWING SENATORS ANSWERED TO THEIR NAMES—

Messrs.	Davis of Cass,	Graves,	Murray,
Beeson,	Dickinson,	Grubb,	New,
Berry,	Douglass,	Hoagland,	Pleak,
Blair,	Downey,	Jenkins,	Ray,
Bradley,	Dunning,	Mansfield,	White,
Browne of R.,	Ferguson,	March,	Williams,
Campbell,	Fuller,	Melletts,	Wolfe, and
Claypool,	Gaff,	Moore,	Wright—32.
Davis of Parke,	Gifford,		

On motion by Mr. Browne of Randolph,

The Doorkeeper was ordered to bring in the absentees.

Mr. Mellett made an ineffectual motion to adjourn.

Mr. New moved that farther proceedings under the call be dispensed with.

The ayes and noes were demanded by Messrs. Browne of Randolph, and March, and being taken, resulted as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Davis of Parke,	Gaff,	New,
Beeson,	Dickinson,	Mansfield,	White,
Bradley,	Douglass,	Mellett,	Williams, and
Campbell,	Downey,	Moore,	Wright—15.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Grubb,	Murray,
Berry,	Dunning,	Hoagland,	Pleak,
Blair,	Fuller,	Jenkins,	Ray, and
Browne of R.,	Gifford,	March,	Wolfe—17.
Claypool,	Graves,		

So the motion was rejected.

On motion by Mr. Graves,

Further proceedings under the call was dispensed with.

On motion by Mr. Davis of Cass,

The Senate adjourned.

TUESDAY, 9 o'clock, A. M., }  
February 17, 1863. }

Senate met.

The Journal of yesterday was read and approved.

Mr. Shields asked and obtained leave of absence for Mr. Hartley, on account of sickness.

On motion by Mr. Williams,

A call of the Senate was ordered.

The roll was proceeded with, and

THE FOLLOWING SENATORS ANSWERED TO THEIR NAMES—

Messrs.	Davis of Cass,	Grubb,	New,
Beeson,	Dickinson,	Hoagland,	Pleak,
Berry,	Douglass,	Jenkins,	Ray,
Blair,	Downey,	Johnson,	Shields,
Bradley,	Dunning,	Landers,	Teegarden,
Browne of R.,	Ferguson,	Mansfield,	White,
Brown of Wells,	Finch,	March,	Williams,
Campbell,	Gaff,	Mellett,	Wilson,
Cobb,	Gifford,	Moore,	Wolfe, and
Corbin,	Graves,	Murray,	Wright—40.
Culver,			

Three Senators were absent without leave, and six absent with leave.

On motion by Mr. Williams,

Further proceedings under the call was dispensed with.

Mr. Wilson presented a petition from sundry citizens of Linton township, in Vigo county, praying for the passage of laws for the enforcement of the thirteenth article of the Constitution, so as to

effectually prevent negroes and mulattoes from coming into and settling in the State, &c.;

Which was read a first time, and referred to the Committee on the Judiciary.

Mr. Ray submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 72, to amend section 42 of the act for the incorporation of cities, have had the same under consideration, and have directed me to report the same back with a recommendation that it pass.

Mr. Bradley submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on Finance, to whom was referred a bill to provide for the prompt payment of the officers and soldiers in the army of the United States, raised and organized in the State of Indiana, and to provide means for that purpose, have had the same under consideration, and instructed me to report that while the committee were in favor of the general principle of the bill, they were not prepared to recommend its passage in its present shape; they, therefore, have instructed me to report the bill back to the Senate with a recommendation that it lie on the table, and that 200 copies be printed for the use of the members of the Senate.

Mr. March submitted the following report, which was concurred in.

MR. PRESIDENT:

The Judiciary Committee, to whom was referred House bill No. 59, "a bill in relation to the place of sale of property on execution," have had the same under consideration, and directed me to report the same back, and recommend its passage, with the following amendments:

Strike out all of the enacting clause, and insert the following:

That section 466 of the above entitled act, which reads as follows:

S. J.—24

"Real estate taken by virtue of any execution, shall be sold at public auction, at the door of the court house of the county in which the same is situated, and if the estate shall consist of several lots, tracts and parcels, each shall be offered separately, and no more of any real estate shall be offered for sale than shall be necessary to satisfy the execution, unless the same is not susceptible of division,"

Be amended so as to read as follows :

Real estate taken on execution, shall be sold at public auction, at the door of the court house of the county in which the same is situated.

If a court house shall not have been erected in any county, or after erection, shall be removed or destroyed, the sale shall be held at a public place at the county seat, selected by the Sheriff, and stated in the notice of sale.

If the real estate shall consist of several lots, tracts or parcels, each shall be offered separately, and no more of any real estate shall be offered for sale than shall be necessary to satisfy the execution, unless the same is not susceptible of division.

Amend the title so as to correspond with the provisions of the amended bill.

Mr. Wolfe submitted the following report, which was concurred in :

MR. PRESIDENT :

The Judiciary Committee, to which was referred Senate bill No. 49, being a bill relative to the school tax levied upon corporations, and providing the manner of distribution and loaning of the same, and other matters properly connected therewith, have had the same under consideration, and instructed me to report the same back, and recommend that the same lie upon the table.

Mr. Williams submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Finance, to whom was referred House bill No. 139, "a bill to raise revenue for the years 1863 and 1864," have



had the same under consideration, and have directed me to report the same back, and recommend its passage.

Mr. Wolfe submitted the following report, which was concurred in:

MR. PRESIDENT:

The Judiciary Committee, to which was referred Senate bill No. 100, being "a bill to authorize the deposition of parties in actions to be read in evidence," have had the same under consideration, and have directed me to report the same back with a recommendation that the same lie on the table, for the reason that the laws now allows the depositions of parties to be taken the same as other witnesses.

Mr. Downey submitted the following report, which was concurred in:

MR. PRESIDENT:

The Judiciary Committee, to which was referred Senate bill No. 99, have had the same under consideration, according to order, and have directed me to report the same back to the Senate, and recommend its passage.

Mr. Downey submitted the following report, which was concurred in:

MR. PRESIDENT:

The Judiciary Committee, to which was referred Senate bill No. 45, have had the same under consideration, according to order, and have directed me to report the same back to the Senate, with the following amendments, and when so amended, to recommend its passage:

Amend by prefixing to the section quoted these words—"section 2."

Insert in the thirty-fifth line, before the word "twenty," the words "not less than five thousand nor more than," and after the word "dollars," the words "as the board may direct."

Add the following :

SEC. 2. It shall be the duty of the Board of Commissioners in each county, at their first meeting after the taking effect of this act, to examine the bond of the County Auditor, and if the same shall be in a penalty less than five thousand dollars, or if in a penalty more than that sum, and they shall deem it insufficient, they shall order a new bond to be given according to the provisions of this act.

A message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the following concurring resolution thereof has been adopted and concurred in by the House of Representatives.

WHEREAS, There are a number of the reports of Mr. Owen's Geological Survey of the State of Indiana, now in the hand of the Secretary of State ; therefore,

*Be it resolved by the Senate, (the House concurring,)* That twenty copies be held by the Secretary of State for the use of Richard Owen, one hundred copies be deposited in the State Library, the balance to be distributed equally among the members of the Senate and House of Representatives.

Mr. Wolfe submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to which was referred Senate bill No. 36, being a bill to amend the 1st, 11th and 12th sections of an act entitled "An act to exempt property from sale in certain cases," have had the same under consideration, and have directed me to report the same back, and recommend that the same be indefinitely postponed.

Pending the consideration of which,

Mr. Williams moved to take up the special order for this hour, being,

Senate bill No. 111, entitled an act to apportion Senators and Representatives for the next six years ;

Which motion was agreed to.

Mr. Browne of Randolph moved to amend as follows :

Amend the second section by giving Jay county one Representative, and by adding Blackford county to Wells county, for Representative purposes.

On motion by Mr. Wolfe,

The further consideration of the subject was postponed till Thursday morning, at 10 o'clock, and made the special order for that hour in the committee of the whole.

The Senate resumed the consideration of the report from the Judiciary Committee on Senate bill No. 36.

The question being on the concurring in the report.

The ayes and noes were demanded by Messrs. Wolfe and Culver, and being taken, resulted as follows—ayes 20, noes 20:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Gaff,	Moore,
Blair,	Douglass,	Graves,	White,
Bradley,	Downey,	Hoagland,	Williams,
Browne of R.,	Finch,	Jenkins,	Wilson, and
Brown of Wells,	Fuller,	Landers,	Wolfe—20.
Corbin,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Johnson,	Pleak,
Beeson,	Dickinson,	Mansfield,	Ray,
Berry,	Dunning,	March,	Shields,
Campbell,	Gifford,	Melletts,	Teegarden, and
Cobb,	Grubb,	Murray,	Wright—20.
Culver,			

So the report was not concurred in.

Mr. Johnson moved to refer the bill back to the Committee on the Judiciary, with instructions to amend as follows :

Amend by adding the following instruction :

*Provided*, However, that where there is any doubt as to the amount of property, in value, owned by each, the plaintiff and defendant, it shall be the duty of the Sheriff, or Constable, to make out an inventory and valuation of the property of both, the plaintiff and defendant, and if it shall appear upon such inventory and valuation that the defendant is the owner of more property, in value, than the plaintiff, then no exemption shall be allowed.

Mr. March moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Johnson and Browne of Randolph, and being taken, resulted as follows—ayes 24, noes 17 :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Corbin,	Grubb,	Ray,
Beeson,	Culver,	Landers,	Shields,
Berry,	Davis of Parke,	Mansfield,	Teegarden,
Bradley,	Dickinson,	March,	White,
Browne of R.,	Douglass,	New,	Williams, and
Campbell,	Dunning,	Pleak,	Wright—24.
Cobb,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Fuller,	Hoagland,	Moore,
Brown of Wells,	Gaff,	Jenkins,	Murray,
Davis of Cass,	Gifford,	Johnson,	Wilson, and
Downey,	Graves,	Melletts,	Wolfe—16.
Finch,			

So the instruction was laid on the table.

On motion by Mr. March,  
The bill was re-committed to the Judiciary Committee.

Mr. Cobb submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was re-

ferred Senate bill No. 4, "A bill to amend the second and third sections of an act regulating Docket Fees of District Attorneys in the Court of Common Pleas, and before Justices of the Peace, and regulating prosecuting and district attorney's fees in prosecutions on forfeited recognizances," approved June 4, 1861, have had the same under consideration, and have instructed me to report the same back to the Senate, with the following amendment:

Strike our all after the word "county" in the amendment on page three, and insert the following:

"But in case the district attorney fails to attend, and prosecute the pleas of the State, in person, at any term of the court, it shall be the duty of the presiding judge to appoint a competent attorney to prosecute in his stead, and make an allowance to him for his services, which allowance shall be deducted from the salary of said district attorney, and that all laws empowering district attorney's to appoint deputies be and the same are hereby repealed," and when so amended, recommend its passage.

Mr. Browne of Randolph submitted the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to which was referred Senate joint resolution No. 11, a joint resolution to appoint an agent to examine into the affairs of the Bank of the State of Indiana, and particularly the Lawrenceburg branch thereof, have had the same under consideration, and have directed me to report the same back without amendment, and to recommend its passage.

On motion by Mr. Wilson,  
The joint resolution was recommitted.

Mr. Ray submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 96, have had the same under consideration and have instructed me to report the same back, with a recommendation that it be amended as follows, to-wit, and when so amended, that it pass:

Strike out sections Nos. 4 and 5 of said bill, and add thereto the following section, viz :

SECTION 4. It shall not be lawful for any officer in this act named to receive any fees for the duties herein required, until the indexes in this act required shall be made.

On motion by Dickinson,  
The Senate adjourned.

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2 O'CLOCK, P. M.

Senate met.

Mr. Landers asked and obtained leave of absence for the Committee on Military Affairs for a short time.

Mr. Williams submitted the following, which was concurred in :

MR. PRESIDENT :

The select committee, to which was referred House bill No. 66, have had the same under consideration, and have instructed me to report the same back to the Senate, and to respectfully recommend its passage.

Mr. March submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 91, being a bill to amend the existing law in relation to appeals in contested election cases, have had the same under consideration, and directed me to report the same back, and recommend that it lie on the table.

Mr. Culver submitted the following report :



MR. PRESIDENT:

The Committee on Rights and Privileges, to whom was referred Senate bill No. 67, being a "bill the better to secure the free passage of fish in the streams and water-courses of this State, and to provide a penalty for a violation thereof," have had the same under advisement, and have agreed upon the following amendment, viz:

Strike out all after the enacting clause, and insert the following, and when so amended recommend its passage:

Amend the title by inserting, after the word "State," the following: "And to prevent catching fish by poisoning the water, or by nets and certain other instruments, in the inland streams of this State."

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed, and read a third time on to-morrow.

Mr. Douglass introduced

Senate bill No. 137, entitled an act giving county surveyors the power to administer oaths to viewers of roads, providing that when a surveyor is one of the viewers, he shall not be required to take an additional oath;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Davis of Cass introduced

Senate bill No. 138, entitled an act to amend the title of an act providing for the increasing of the capital stock and the directors of railroad companies, approved June 17, 1852;

Was read a first time, and passed to a second reading on to-morrow.

Mr. Culver introduced

Senate bill No. 139, entitled an act to repeal the 119th section of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county

treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

- Mr. March moved to take from the table Senate bill No. 129, and recommit the bill to the Committee on Finance;

Which was agreed to.

Senate bill No. 133. Entitled an act fixing and determining the amount of the equivalent to be paid by persons conscientiously opposed to bearing arms, in pursuance of the requirements of the Constitution, declaring when the same shall be due and payable, directing the making of rules and regulations for the collection thereof, and the manner in which suit therefor shall be brought, and judgment recovered, and also declaring when this act shall take effect;

Was read a second time, and referred to the Committee on Military Affairs.

Senate bill No. 135. A bill to amend the first and third sections of an act entitled an act for the encouragement of Agriculture, approved February 17, 1852;

Was read a second time, and referred to the Committee on Agriculture.

Senate bill No. 136. Entitled a bill entitled an act to divide the State into eleven Congressional districts, and to repeal an act entitled an act to divide the State into Congressional districts, approved February 9, 1852;

Was read a second time, and referred to the Select Committee on Apportionment.

Senate bill No. 134. A bill supplemental to an act entitled an act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for the violation thereof;

Was read a second time, and referred to the Committee on Temperance.

Leave being granted,

Mr. Landers introduced

Senate bill No. 141. An act to amend sections 57, 59, and 60, of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852;

Was read a first time, and passed to a second reading on to-morrow.

Leave being granted,

Mr. Douglass introduced

Senate bill No. 142. Entitled an act authorizing county commissioners to fill vacancy in the office of school examiner;

Which was read a first time, and passed to a second reading on to-morrow.

Leave being granted,

Mr. Landers introduced

Senate bill No. 143. Entitled an act to punish illegal arrests, and fixing a penalty therefor;

Which was read a first time, and passed to a second reading on to-morrow.

Senate Joint Resolution No. 9, was read by title only, and referred to the Committee on Finance.

Senate bill No. 12. A bill requiring railroad companies in the State of Indiana to keep on hand and furnish, on reasonable notice being given by persons offering to ship live stock or other freights over their railroads, or to or from any place of shipment thereon, a sufficient number of locomotives, freight cars, and other rolling stock, to transport such freights without delay, and making companies failing to furnish transportation, liable for damages resulting from such failure;

Was read a third time.

Mr. Corbin moved to recommit the bill with the following instructions:

Be so amended as to strike out the word "hundred," in the seventh line of the fifth section, and inserting in its stead "thousand."

By adding between sections fourth and fifth the following section:

Section 5. No railroad company shall, after being notified by any person of their desire to transport freight over their road, charge said person a greater rate for such transportation at the time of such notice.

By adding between sections five and six the following section :

Section 7. All damages recovered by any person under the provisions of this act, shall be collectable without any relief from the valuation and appraisement laws of the State of Indiana.

Mr. Shields moved to indefinitely postpone the bill.

Mr. Cobb moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Shields and Cobb, and being taken, resulted as follows, ayes 31, noes 13 :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Cobb,	Ferguson,	Moore,
Bearss,	Corbin,	Finch,	Pleak,
Beeson,	Culver,	Fuller,	Ray,
Berry,	Davis of Parke,	Gifford,	Reed,
Blair,	Davis of Cass,	Grubb,	White,
Browne of R.,	Dickinson,	Jenkins,	Williams,
Brown of Wells,	Douglass,	March,	Wolfe, and
Campbell,	Downey,	Melletts,	Wright—31.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Hoagland,	Mansfield,	Shields,
Bradley,	Johnson,	Murray,	Teegarden, and
Gaff,	Landers,	New,	Wilson—13.
Graves,			

So the motion was rejected.

On motion by Mr. March,

The bill and pending amendments were referred to the Committee on the Judiciary.

A message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed and concurred in the following Senate bills, without amendment, to-wit :

Senate bill No. 16. A bill prescribing the forms of conveyances of real estate that may be used by executors, administrators, guardians, trustees, and Commissioners, in certain cases, amending section 100 of the act in relation to the settlement of decedents' estates, approved June 17, 1852, and also to repeal the 547th section of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms, in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Senate bill No. 93. A bill to extend the time for the completion of railroads, in all cases in which \$2,000 per mile has been expended in their construction, and declaring at what time the act shall take effect.

Leave being granted,

Mr. Browne of Randolph presented the memorial from the 34th Regiment Indiana Volunteers, expressive of their views in relation to the war, &c.;

Which was read and laid on the table, and 500 copies ordered to be printed.

On motion by Mr. March,

The following message from the House was taken up :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

House bill No. 109, an act to amend the 1st section an act entitled an act for the relief of borrowers of the Sinking Fund, and to repeal the 4th section, and so much as applies to the Sinking Fund, of the whole act entitled an act to extend to the borrowers of the Sinking Fund, Surplus Revenue Fund, Congressional School

Funds, and other Funds, time of payment of loans, and prescribing the duties of the officers in regard thereto, approved March 3, 1859, and prescribing how mortgages may be substituted, and containing some provisions respecting the Sinking Fund, and its control and management, and matters connected therewith, approved March 9, 1861;

In which the concurrence of the Senate is respectfully requested.

House bill No. 109, contained in the foregoing message, was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Davis of Cass,

The Senate adjourned.

WEDNESDAY, 9 o'clock, A. M., }  
February 18, 1863. }

Senate met.

The Journal of yesterday was read and approved.

Mr. Murray asked and obtained leave of absence for Mr. Graves for three days.

Mr. Finch submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on Roads, to whom was referred Senate bill No. 18, "A bill to amend section 23 of an act entitled an act to provide for opening, vacating, and change of highways," approved June 17, 1852, have had the same under consideration, and have directed me to report the same back, and recommend that it pass.

Mr. Hartley submitted the following report, which was concurred in:



MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 97, which provides for the regulation of fares charged by railroad corporations or companies for the transportation of passengers on railroads, and prescribing penalties for the violation of the same, would report that they have had said bill under consideration, and suggest and recommend its amendment, and when so amended, they recommend its passage.

To be amended as follows: strike out the words "applying for a fare ticket at any ticket office of any road or roads within the State."

Mr. Wilson introduced

Senate bill No. 144. An act to regulate sheriff fees in certain cases of sale on execution;

Which was read a first time, and passed to a second reading on to-morrow.

Senate bill No. 13, entitled a bill requiring all corporations formed, or which may hereafter be formed, for the purpose of constructing, owning, controlling, or operating a railroad in this State, to elect three-fourths of the members of their Boards of Directors from stockholders resident in the State, and affixing certain penalties for non-compliance with the provisions of this act;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Graves,	Moore,
Bearss,	Davis of Cass,	Grubb,	Murray,
Beeson,	Dickinson,	Hartley,	New,
Berry,	Douglass,	Hoagland,	Pleak,
Blair,	Downey,	Jenkins,	Ray,
Bradley,	Dunning,	Johnson,	Reed,
Browne of R.,	Ferguson,	Landers,	White,
Brown of Wells,	Finch,	Mansfield,	Williams,
Campbell,	Fuller,	March,	Wolfe, and
Cobb,	Gaff,	Marshall,	Wright—42.
Corbin,	Gifford,	Mellet,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs. Davis of Parke, Teegarden, and Wilson—3.

So the bill passed.

Mr. Brown of Wells, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The Committee on Enrolled Bills have compared the enrolled with the engrossed copy of Senate bill No. 16, and would report the same correctly enrolled.

Senate bill No. 37, entitled a bill to amend the 20th and 21st sections of the act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto, and to make additional provisions on the same subject;

Was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Corbin,	Dunning,	New,
Beeson,	Culver,	Gaff,	Pleak,
Blair,	Davis of Parke,	Graves,	Ray,
Browne of R.,	Davis of Cass,	Grubb,	White,
Brown of Wells,	Dickinson,	Hoagland,	Williams,
Campbell,	Douglass,	Mansfield,	Wolfe, and
Cobb,	Downey,	March,	Wright—27.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Finch,	Johnson,	Murray,
Bearss,	Fuller,	Landers,	Shields,
Berry,	Gifford,	Marshall,	Teegarden, and
Bradley,	Hartley,	Melletts,	Wilson—18.
Ferguson,	Jenkins,	Moore,	

So the bill passed.

Ordered that the Secretary inform the House thereof.

Senate bill No. 40, entitled an act to amend section one of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective duties, and matters properly connected therewith, and for the regulation of township libraries, and to repeal all laws inconsistent therewith, approved March 11, 1861;

Which was read a third time.

Mr. Browne of Randolph moved to re-commit the bill to the Committee on Education, with instructions to tax all persons having one-eighth or more of African or negro blood, for common school purposes, and that such tax shall be collected and appropriated to keep and maintain schools in which persons of color shall only be taught.

Mr. Cobb moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Beeson and Dickinson, and being taken, resulted as follows: ayes 24, noes 22.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Gifford,	Moore,
Bradley,	Dunning,	Hartley,	Ray,
Brown of Wells,	Ferguson,	Hoagland,	Shields,
Cobb,	Finch,	Jenkins,	Williams,
Corbin,	Fuller,	Johnson,	Wilson, and
Davis of Cass,	Gaff,	Landers,	Wolfe—24.
Douglass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Mansfield,	Pleak,
Bearss,	Culver,	March,	Reed,
Beeson,	Davis of Parke,	Marshall,	Teegarden,
Berry,	Dickinson,	Melletts,	White, and
Blair,	Graves,	Murray,	Wright—22.
Browne of R.,	Grubb,	New,	

So the motion to lay on the table was agreed to.

The question being, shall the bill pass?

S. J.—25

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Gifford,	Moore,
Beeson,	Davis of Cass,	Graves,	Pleak,
Blair,	Douglass,	Grubb,	Ray,
Bradley,	Downey,	Hartley,	Shields,
Browne of R.,	Dunning,	Hoagland,	White,
Brown of Wells,	Ferguson,	Jenkins,	Williams,
Campbell,	Finch,	Johnson,	Wilson, and
Cobb,	Fuller,	Mansfield,	Wolfe—34.
Culver,	Gaff,	Marshall,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Dickinson,	Melletts,	Reed,
Bearss,	Landers,	Murray,	Teegarden, and
Berry,	March,	New,	Wright—12.
Corbin,			

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Browne of Randolph's resolution for changing the session hours coming up, it being the special order for this hour.

Mr. Williams moved to strike out eight and insert eight and a half o'clock.

Mr. Blair moved to amend the amendment by inserting nine o'clock.

Mr. Ferguson moved to strike out all relating to evening sessions.

Mr. Wolfe moved to lay the resolution and amendments on the table ;

Which was agreed to.

Senate bill No. 121. An act for the relief of purchasers of Swamp Lands, when the sale and conveyance thereof to such purchasers was invalid, and conveyed no good and sufficient title therefor, or where the title to such lands may have failed after the sale thereof, and also declaring when such act shall take effect ;

Was read a third time.

Mr. Johnson moved to refer the bill back to the committee, with instructions to strike out the words State Treasury where it occurs.

Mr. Shields moved to lay this motion on the table.

The ayes and noes were demanded by Messrs Johnson and Shields, and being taken, resulted, as follows, ayes 27, noes 18.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Gifford,	Murray,
Blair,	Dickinson,	Graves,	Ray,
Bradley,	Downey,	Grubb,	Reed,
Brown of Wells,	Dunning,	Hartley,	Shields,
Corbin,	Finch,	Hoagland,	Williams,
Cobb,	Fuller,	Jenkins,	Wilson, and
Culver,	Gaff,	Marshall,	Wright—27.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Mansfield,	Pleak,
Bearss,	Douglass,	March,	Teegarden,
Berry,	Ferguson,	Melletts,	White, and
Beeson,	Johnson,	Moore,	Wolfe—18.
Campbell,	Landers,	New,	

So the motion to lay on the table was agreed to.

On motion by Mr. March,

The bill was amended by unanimous consent, by striking out the words, "or for any other equally valid and just cause."

On motion by Mr. Blair,

The first section of the bill was, by unanimous consent, amended by inserting after the word "sold," the words "for cash."

Mr. March moved to re-commit the bill with the following instruction:

Said State officers shall give the Attorney General reasonable notice of the time and place where any application for relief shall be investigated, and he shall defend for the interest of the State, and the Swamp Land Fund.

Mr. Graves proposed the following instructions:

1st. Re-instate the words "from any other equally valid and just cause."

2d. Striking out that part requiring payment from State Treasury.

3d. Insert Mr. March's amendment with regard to Attorney General.

Mr. Reed proposed the following instruction :

Amend so as to require re-payment out of the Swamp Land Fund belonging to the County, in which the land, improperly sold, is situated; or if there be no such fund, then re-payment shall be made out of the County Treasury of such county.

On motion by Mr. Brown of Wells,

The bill and pending instructions were referred to the Swamp Land Committee.

A message from the House :

MR. PRESIDENT :

I am directed to return to the Senate the following Enrolled Act thereof, to-wit:

Senate Enrolled Act No. 16, which Enrolled Act has received the signature of the Speaker of the House of Representatives.

The President thereupon affixed his signature to the above named act.

The President laid before the Senate a communication from the Superintendent of the Institution for the Deaf and Dumb, inviting the members to an exhibition of the method of instruction of the pupils under his care, on the 19th inst., at the chapel of the Institution.

Senate bill No. 42. A bill defining the offense of bastardy, and prescribing the punishment therefor ;

Was read a third time.

On motion by Mr. Wolfe, by the unanimous consent of the Senate,



The eighth section of the bill was stricken out.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Grubb,	Murray,
Berry,	Douglass,	Hartley,	New,
Beeson,	Downey,	Hoagland,	Pleak,
Bradley,	Dunning,	Jenkins,	Ray,
Brown of Wells,	Finch,	Johnson,	Reed,
Campbell,	Fuller,	Landers,	Teegarden,
Cobb,	Gaff,	Mansfield,	White,
Corbin,	Gifford,	March,	Wolfe, and
Davis of Parke,	Graves,	Melletts,	Wright—37.
Davis of Cass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Culver,	Shields,	Williams—6.
Blair,	Moore,	Wilson, and	

So the bill passed.

Ordered that the Secretary inform the House thereof.

Senate bill No. 45. An act to amend the second section of an act entitled an act in relation to County Auditors, approved May 31, 1852;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Grubb,	New,
Bearss,	Davis of Cass,	Hartley,	Pleak,
Beeson,	Dickinson,	Hoagland,	Ray,
Berry,	Douglass,	Jenkins,	Reed,
Blair,	Downey,	Johnson,	Shields,
Bradley,	Dunning,	Landers,	Teegarden,
Brown of Wells,	Ferguson,	Mansfield,	White,
Campbell,	Finch,	March,	Williams,

Cobb,	Fuller,	Mellett,	Wilson, and
Corbin,	Gaff,	Moore,	Wolfe—42.
Culver,	Gifford,	Murray,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs. Wright—1.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Senate bill No. 57, entitled “an act entitled an act to allow County Commissioners to organize turpike companies, where a majority of persons representing the real estate within prescribed limits, petition for the same, and to levy a tax for its construction, and provide for the same to be free;”

Was read the third time.

The question being, shall the bill pass ?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Grubb,	New,
Bearss,	Davis of Cass,	Landers,	Pleak,
Beeson,	Dickinson,	Mansfield,	Ray,
Berry,	Downey,	March,	Teegarden,
Blair,	Dunning,	Mellett,	Wilson, and
Brown of Wells,	Gaff,	Murray,	Wright—24.
Culver,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Finch,	Jenkins,	Reed,
Bradley,	Fuller,	Johnson,	Shields,
Corbin,	Gifford,	Marshall,	Williams, and
Douglass,	Hartley,	Moore,	Wolfe—17.
Ferguson,	Hoagland,		

So the bill failed for want of a constitutional majority.

On motion by Mr. Davis of Cass,

The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

Senate bill No. 137. A bill giving County Surveyors the power to administer oaths to Viewers of roads, providing that when a Surveyor is one of the Viewers, he shall not be required to take an additional oath;

Was read a second time and referred to the Committee on Roads.

Senate bill No. 138. An act to amend the title of an act providing for the increasing of the capital stock and the Directors of railroad companies, approved June 17, 1852;

Was read a second time, and referred to the Committee on Corporations.

Senate bill No. 139. A bill to repeal the 119th section of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852;

Was read a second time, and referred to the Committee on County and Township business.

Senate bill No. 140. A bill to enforce the 13th article of the Constitution of this State;

Was read a second time, and referred to the committee on the Judiciary, with the following instruction offered by Mr. Murray:

To strike out so much of the bill as relates to past contracts with negroes and mulattoes.

Also, with the following instructions, offered by Mr. Landers:

The committee consider the expediency of so amending, by inserting in the proper place, that any person permitting any negro to remain at his house, or on his premises, will be regarded as sufficient evidence against such person.

Senate bill No. 141. An act to amend sections 57, 59 and 60 of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852;

Was read a second time, and referred to the Committee on Elections.

Senate bill No. 142. A bill authorizing County Commissioners to fill vacancies in the office of School Examiner;

Was read a second time, and referred to the Committee on Education.

Senate bill No. 143. An act to prevent and punish illegal arrests;

Was read a second time, and referred to the Committee on Military Affairs.

House bill No. 109. An act for the relief of borrowers of the Sinking Fund, and to amend section 1 of an act for the relief of borrowers of the Sinking Fund, approved March 9, 1861;

Was read a second time, and referred to the Committee on Finance.

Senate bill No. 58. A bill to amend an act to authorize the Boards of Commissioners of the several counties in the State of Indiana, and the authorities of any incorporated city or town in said State, to make appropriation, in certain cases, and to legalize certain appropriations therein specified, approved May 11, 1861, so as to authorize said Boards to make appropriations for counties for volunteers;

Was read the third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hartley,	New,
Bearss,	Davis of Cass,	Hoagland,	Pleak,
Beeson,	Dickinson,	Jenkins,	Ray,
Berry,	Douglass,	Johnson,	Reed,
Blair,	Downey,	Landers,	Teegarden,
Bradley,	Dunning,	Mansfield,	White,
Brown of Wells,	Ferguson,	March,	Williams,
Campbell,	Finch,	Marshall,	Wilson,
Cobb,	Gaff,	Melletts,	Wolfe, and

Corbin,	Gifford,	Moore,	Wright—41.
Culver,	Grubb,	Murray,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs. Fuller, and Shields—2.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Leave being granted,

Mr. Corbin submitted the following report, which was concurred in:

MR. PRESIDENT :

The Committee on Benevolent Institutions, to whom was referred Senate bill No. 27, have had the same under consideration, and a majority of said committee have instructed me to report the same back with a recommendation that it lie on the table, as further legislation on the subject of said bill is unnecessary.

The vote concurring in this report was reconsidered, and

On motion by Mr. Shields,

Was referred to a select committee of three, to-wit: Senators Shields, March, and Cobb.

Senate bill No. 59. A bill fixing the amount of fees to be paid into the State Treasury, for the services of the Auditor and Secretary of State in certain cases, repealing all laws in conflict therewith, and amending the fourth section of an act supplemental to the swamp land act, approved June 14, 1852;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Grubb,	Murray,
Bearss,	Davis of Cass,	Hartley,	New,
Beeson,	Dickinson,	Hoagland,	Pleak,

Berry,	Douglass,	Jenkins,	Ray,
Blair,	Downey,	Johnson,	Shields,
Bradley,	Dunning,	Landers,	Teegarden,
Brown of Wells,	Ferguson,	Mansfield,	White,
Campbell,	Finch,	March,	Williams,
Cobb,	Fuller,	Marshall,	Wilson,
Corbin,	Gaff,	Mellet,	Wolfe, and
Culver,	Gifford,	Moore,	Wright—43.

Nays none.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Ferguson asked and obtained leave of absence for Mr. Finch, for the residue of the day.

Mr. March asked and obtained leave of absence for Mr. Browne of Randolph, on account of sickness.

Senate bill No. 65. A bill to amend section 322 of an act entitled an act to revise, simplify, and abridge the rules of practice, pleadings, and forms in civil cases, in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Gifford,	New,
Corbin,	Douglass,	Johnson,	Wolfe, and
Culver,	Ferguson,	Moore,	Wilson—13.
Davis of Cass,	Fuller,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Jenkins,	Ray,
Bearss,	Downey,	Mansfield,	Reed,
Beeson,	Dunning,	March,	Teegarden,



Berry,	Gaff,	Marshall,	White,
Blair,	Grubb,	Mellet,	Wright, and
Bradley,	Hartley,	Murray,	Williams—26.
Brown of Wells,	Hoagland,	Pleak,	

So the bill failed to pass.

*Ordered,* That the Secretary inform the House thereof.

Mr. Grubb, from the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The Committee on Enrolled Bills have compared the enrolled with the engrossed copy of Senate bill No. 93, and would report that they find the same correctly enrolled.

Leave being granted,

Mr. Fuller, from the Committee on Corporations, submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 129, have had the same under consideration, and a majority of said committee have directed me to report the same back, with a recommendation that it pass.

Senate bill No. 74. A bill to fix the time of holding the Common Pleas Court in the fifth district, and to repeal all other laws on the same subject;

Was read a third time.

On motion by Mr. Downey,

And by unanimous consent, the third section of the bill was stricken out.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Grubb,	New,
Bearss,	Dickinson,	Hoagland,	Pleak,

Beeson,	Douglass,	Jenkins,	Ray,
Berry,	Downey,	Johnson,	Reed,
Blair,	Dunning,	Mansfield,	Shields,
Bradley,	Ferguson,	March,	Williams,
Brown of Wells,	Fuller,	Melletts,	Wilson,
Cobb,	Gaff,	Moore,	Wolfe, and
Corbin,	Gifford,	Murray,	Wright—37.
Culver,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.

Davis of Parke, Hartley, Marshall, and Teegarden—4.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Senate bill No. 112. A bill for an act to amend the seventh section of an act entitled an act to provide for the election of a reporter, of the decisions of the Supreme Court, and for the compensation of such reporter, approved February 5, 1852;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Gifford,	Ray,
Berry,	Douglass,	Hartley,	Shields,
Blair,	Downey,	Hoagland,	White,
Bradley,	Dunning,	Jenkins,	Williams,
Brown of Wells,	Ferguson,	Landers,	Wilson, and
Cobb,	Fuller,	March,	Wolfe—26.
Corbin,	Gaff,	Marshall,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Melletts,	Pleak,
Bearss,	Dickinson,	Moore,	Reed,
Beeson,	Johnson,	Murray,	Teegarden, and
Campbell,	Mansfield,	New,	Wright—11.
Culver,			

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Senate bill No. 85. An act providing for the appointment of Master Commissioners, defining their duties and fixing their compensation, and repealing all other laws on the subject ;

Was read a third time.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hoagland,	Murray,
Blair,	Downey,	Jenkins,	New,
Bradley,	Dunning,	Johnson,	Ray,
Cobb,	Ferguson,	Landers,	Reed,
Corbin,	Fuller,	March,	Shields,
Culver,	Gifford,	Marshall,	Williams,
Davis of Cass,	Grubb,	Melletts,	Wilson, and
Dickinson,	Hartley,	Moore,	Wolfe—31.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Pleak,	White, and
Bearss,	Davis of Parke,	Teegarden,	Wright—9.
Beeson,	Mansfield,		

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Senate bill No. 92. An act to empower banks organized under the "Act to amend an act to authorize and regulate the business of general banking," passed March 3, 1855, to change the place of business, and prescribing the terms and manner of doing the same ;

Was read a third time.

Mr. Wolfe moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Cobb and Wolfe, and being taken, resulted as follows—ayes 27, noes 14.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Grubb,	Murray,
Beeson,	Douglass,	Hartley,	New,

Berry,	Downey,	Jenkins,	Pleak,
Brown of Wells,	Dunning,	Mansfield,	Reed,
Cobb,	Ferguson,	March,	White,
Corbin,	Fuller,	Mellet,	Wolfe, and
Davis of Parke,	Gifford,	Moore,	Wright—27.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Culver,	Johnson,	Teegarden,
Bearss,	Dickinson,	Landers,	Williams, and
Blair,	Gaff,	Marshall,	Wilson—14.
Bradley,	Hoagland,	Ray,	

So the bill was indefinitely postponed.

On motion by Mr. Culver,

Senate bill No. 57, an act entitled an act to allow county commissioners to organize turnpike companies where a majority of persons representing real estate within prescribed limits, petition for the same, and levy a tax for its construction, and provide for the same to be free;

Was taken up.

Mr. Johnson moved to recommit the bill to the Committee on Corporations, with instructions to amend the 11th section by striking out the words "upon the Sabbath day."

On motion by Mr. Landers,

This motion was laid on the table.

Mr. Corbin moved to recommit the bill with the following instruction:

Amend by striking out the word "one-half," in the 5th and 6th lines of the first section, and inserting instead "two-thirds."

Mr. Ray moved to lay this motion on the table.

The ayes and nays were demanded by Messrs Corbin and Wolfe, and being taken, resulted as follows—ayes 28, noes 13.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hoagland,	Ray,
Bearss,	Dunning,	Landers,	Reed,

Beeson,	Davis of Parke,	Mansfield,	Shields,
Berry,	Dickinson,	March,	Teegarden,
Blair,	Gaff,	Mellett,	White,
Brown of Wells,	Gifford,	New,	Wilson, and
Cobb,	Grubb,	Pleak,	Wright—28.
Culver,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Ferguson,	Johnson,	Murray,
Bradley,	Fuller,	Marshall,	Williams, and
Corbin,	Hartley,	Moore,	Wolfe—13.
Downey,	Jenkins,		

So the motion to lay on the table was agreed to.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Landers,	Ray,
Bearss,	Downey,	Mansfield,	Reed,
Beeson,	Dunning,	March,	Shields,
Berry,	Gaff,	Mellett,	Teegarden,
Blair,	Gifford,	Murray,	White,
Brown of Wells,	Grubb,	New,	Wilson, and
Culver,	Hartley,	Pleak,	Wright—29.
Davis of Parke,	Hoagland,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Jenkins,	Moore,
Bradley,	Ferguson,	Johnson,	Williams, and
Cobb,	Fuller,	Marshall,	Wolfe—12.
Corbin,			

So the bill passed.

A message from the House:

MR. PRESIDENT:

I am directed to return to the Senate the following enrolled act thereof, to-wit:

Enrolled act of the Senate No. 93. An act to extend the time

for the completion of railroads in all cases in which \$2,000 per mile has been expended in their construction, and declaring at what time the act shall take effect and be in force ; which has received the signature of the Speaker of the House of Representatives.

On motion by Mr. Johnson,  
The Senate adjourned.

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THURSDAY, 9 o'clock, A. M., }  
February 19, 1863. }

The Senate met.

The Journal of yesterday was being read, and,

On motion by Mr. Gifford,  
Its further reading was dispensed with.

Mr. Wilson, from the Committee on Claims, submitted the following report, which was concurred in :

INDIANAPOLIS, January 29.

*Thomas Shoulders, deceased, in account with H. E. Buehrig :*

	Dr.
To board from January 6 to January 29. ....	\$12 00
To board for attendant .....	4 00
To one pair pants.....	4 00
To one bottle wine.....	2 00
	<hr/>
	\$22 00

The Committee on Claims, to whom was referred the above claim for attention to the late Thomas Shoulders, deceased, in his last illness, have had the same under consideration and instructed me to report that the same be allowed and referred to the Committee on Finance.



Mr. Davis of Cass, chairman of the Committee on Corporations, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 138, entitled an act to amend the title of an act providing for the increasing of the capital stock and the directors of railroad companies, approved June 17, 1852, have had the same under consideration, and return the same back to the Senate, with the recommendation that it pass.

Mr. Grubb, from the Committee on Claims, submitted the following report, which was concurred in :

MR. PRESIDENT :

I am instructed by the Committee on Claims, to whom was referred the claim of S. G. Thompson, for work in preparing the Senate Chamber, at the commencement of the session of 1863, amounting to twelve dollars, to report the same back to the Senate, and recommend that it be paid, and that the Committee on Finance be instructed to incorporate said claim in the specific appropriation bill of the present session.

Mr. Moore, chairman of the Committee on Claims, made the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the memorial of Stephen P. Meachs, praying the General Assembly to make him an allowance for conveying Alvin Molt, a penitentiary convict from Laporte county, Indiana, to the State Prison at Jeffersonville, have had the same under consideration, and a majority of said committee have directed me to report the same back to the Senate, and instruct the Committee on Finance to incorporate the same in the specific appropriation bill, and recommend that he be allowed the sum of ninety dollars.

Mr. Blair, from the Committee on Claims, submitted the following report, which was concurred in :

MR. PRESIDENT:

The Committee on Claims, to which was referred the memorial and claim of the Indiana State Board of Agriculture, for the use and occupation of the fair ground as a military camp, have had the same under consideration, and have directed me to report the same back to the Senate, and they recommend that the claim be allowed as follows:

For property on fair ground, taken and used and destroyed by soldiers while in camp on said ground...	\$1,871 27
Balance on rent from April 20, 1861, to April 20, 1862	400 00
Rent of fair grounds from April 20, 1862, to April 20, 1863 .....	2,400 00
	<hr/>
Making a total allowance of .....	\$4,671 27

And the committee recommend that the said memorial be referred to the Committee on Finance, and that said committee be instructed to incorporate a provision in the specific appropriation bill appropriating the said sum of four thousand six hundred and seventy-one dollars and twenty-seven cents to the State Board of Agriculture.

Mr. Downey, from the Judiciary Committee, submitted the following report, which was concurred in:

MR. PRESIDENT:

The Judiciary Committee, to which was referred Senate bill No. 123, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Mr. Davis of Cass, chairman of the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 130, introduced by the Senator from Wells, have instructed me to report the same back, and recommend its passage.

Which was concurred in.

Mr. Johnson, chairman of the Committee on County and Town-

ship Business, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 63, a bill to amend section five of an act entitled an act to provide for the uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws in conflict therewith, approved February 18, 1859, have had the same under consideration, and have directed me to report the bill back, and recommend that it lie on the table.

Mr. March, from the Judiciary Committee, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred House bill No. 98, a bill to prohibit judges of the Court of Common Pleas from practising as attorneys in the inferior Courts in their respective districts, have had the same under consideration, and directed me to report the same back, and recommend its passage.

Mr. Wolfe, from the Judiciary Committee, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Judiciary Committee, to which was referred House bill No. 83, being an act to amend the twenty-fourth section of an act prescribing the duties of justice of the peace in State prosecutions, and to enable justices to obtain mileage in making returns," approved March 1, 1855, have had the same under consideration, and have directed me to report the same back with the recommendation that the same lie on the table, for the reason that the sixty-third section of the misdemeanor act of 1852 covers the case contemplated by the proposed bill.

Mr. Wolfe asked and obtained leave of absence for Mr. Cobb, who was subpoenaed as a witness before the grand jury of the United States District Court.

On motion by Mr. Shields,

The previous order of business was suspended, and the following message from the House taken up :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following engrossed bill of the Senate, to-wit :

Senate bill No. 15. "An act authorizing railroads to make extensions in certain cases, and to take stock in railroad bridges ;"

With the following amendments to said bill, and to the title thereof :

Amend the bill by adding to the first section the words following : *Provided*, That any such bridge, at the terminus of said road, shall be so constructed as to admit the passage of vehicles, foot passengers, and for general purposes.

Amend the title by inserting the words "or other," immediately preceding the word "bridges," which is the last word of said title.

Senate bill No. 67. An act the better to secure the free passage of fish in the streams and water courses of this State, and to prevent catching fish by poisoning the water, or by nets, and certain other instruments, in the inland streams of this State ;

Was read a third time.

Mr. Landers moved to recommit the bill with the following instruction :

To amend so as to exempt White river and White Lick from the provisions of the bill.

Mr. Blair moved to lay this motion on the table.

The ayes and nays were demanded by Messrs. Moore and Landers, and being taken, resulted as follows : Ayes 18, noes 25.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Dunning,	New,
Beeson,	Corbin,	Gifford,	Reed,
Blair,	Davis of Parke,	Mansfield,*	White, and

Browne of R.,	Dickinson,	March,	Wright—18.
Brown of Wells,	Downey,	Mellet,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Finch,	Johnson,	Ray,
Bearss,	Fuller,	Landers,	Shields,
Berry,	Gaff,	Marshall,	Teegarden,
Bradley,	Grubb,	Moore,	Williams,
Davis of Cass,	Hartley,	Murray,	Wilson, and
Douglass,	Hoagland,	Pleak,	Wolfe—25.
Ferguson,	Jenkins,		

So the motion to lay on the table was rejected.

Mr. Shields moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Moore and Shields.

Pending which,

A message from the Governor, by Mr. Holloway, his Private Secretary :

MR. PRESIDENT :

I am directed by the Governor to inform your honorable body that he has signed and approved Senate bill No. 93, an act to extend the time for the completion of railroads in all cases in which 2,000 per mile has been expended in their construction, and declaring at what time the act shall take effect and be in force; and has caused a copy of the same to be filed in the office of the Secretary of State.

The President announced the consideration of Senate bill No. 111, an act to apportion Senators and Representatives for the next six years;

It being the special order for this hour in the committee of the whole.

The Senate thereupon resolved itself into a committee of the whole.

(Mr. Browne of Randolph in the chair.)

For the consideration of Senate bill No. 111, aforesaid, and after some time spent therein, the committee rose and the chairman reported the bill back with sundry amendments for the action of the Senate.

Mr. Brown of Wells moved to re-commit the bill and pending amendments.

On motion by Mr. Bearss,  
The Senate adjourned.

2 o'clock, P. M.

Senate met.

Mr. Mellett moved to lay the motion to re-commit the bill and pending amendments on the table.

Mr. Wolfe demanded a call of the Senate.

The call was proceeded with, and the following named Senators answered to their names :

Messrs.	Davis of Parke,	Hartley,	Moore,
Bearss,	Davis of Cass,	Hoagland,	Murray,
Beeson,	Dickinson,	Hord,	New,
Berry,	Dunning,	Jenkins,	Pleak,
Blair,	Ferguson,	Johnson,	Shields,
Bradley,	Finch,	Landers,	Williams,
Browne of R.,	Fuller,	March,	Wilson,
Brown of Wells,	Gaff,	Marshall,	Wolfe, and
Cobb,	Grubb,	Mellet,	Wright—36.
Culver,			

On motion of Mr. Cobb,  
The doorkeeper was directed to bring in the absentees.



Mr. Dunning asked and obtained leave of absence for Mr. Downey, on account of sickness.

Mr. Ferguson asked and obtained leave of absence for the Committee on Benevolent Institutions.

A message from the Governor, by Mr. Holloway, his Private Secretary :

MR. PRESIDENT :

I am directed by the Governor to inform your honorable body that he has signed and approved

Senate bill No. 16. A bill prescribing the forms of conveyances of real estate that may be used by executors, administrators, guardians, trustees and commissioners in certain cases, amending section 100 of the act in relation to the settlement of decedents estates, approved June 17, 1852 ; and also to repeal the 547th section of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852 ; and has caused a copy of the same to be filed in the office of the Secretary of State.

On motion by Mr. Cobb,  
Further proceedings under the call was dispensed with.

The question recurring on Mr. Mellett's motion to lay on the table.

Mr. Johnson demanded a division of the question.

The first question being on laying the amendment on the table.

The ayes and noes were demanded by Messrs. Browne of Randolph and Beeson, and being taken, resulted as follows, ayes 22, noes 16:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Cobb,	Jenkins,	New,
Bearss,	Ferguson,	Johnson,	Reed,

Berry,	Finch,	Landers,	Shields,
Blair,	Gaff,	March,	White, and
Bradley,	Grubb,	Mellett,	Williams—22.
Browne of R.,	Hord,	Moore,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Hartley,	Pleak,
Beeson	Dickinson,	Hoagland,	Wilson,
Brown of Wells,	Dunning,	Marshall,	Wolfe, and
Culver,	Fuller,	Murray.	Wright—16.
Davis of Parke,			

So the amendment was laid on the table.

The question recurring on laying the motion to recommit on the table.

The ayes and noes were demanded by Messrs. Mellett and Beeson, and being taken, resulted as follows, ayes 10, noes 28:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Mellett,	Shields, and
Blair,	Hord,	Moore,	Wright—10.
Cobb,	March,	New,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Grubb,	Murray,
Bearss,	Dickinson,	Hartley,	Pleak,
Beeson,	Dunning,	Hoagland,	Reed,
Berry,	Ferguson,	Jenkins,	White,
Bradley,	Finch,	Johnson,	Williams,
Browne of R.,	Fuller,	Landers,	Wilson, and
Brown of Wells,	Gaff,	Marshall,	Wolfe—28.
Davis of Parke,			

So the motion to lay on the table the motion to recommit was rejected.

The question recurring on recommitting the bill;  
It was agreed to.

Leave being granted,

Mr. Wolfe offered the following resolution, which was adopted :

*Resolved*, That the Governor be requested to communicate to the Senate what action he has taken under "an act to provide for the defense of the State, to procure first class arms, artillery, cavalry, and infantry equipments, and munitions of war, making the necessary appropriations therefor, and authorizing the Governor to borrow money," approved April 1, 1861; that he show in such communication the amount of money borrowed, of whom, in what manner the same has been secured, and how and when the same is to be paid; also the number, kind, and value of arms and equipments that have been procured by him under the provisions of said act.

On motion by Mr. Bearss,

Senate bill No. 98 was taken from the table, and referred to a select committee.

The President (Mr. Cobb being in the chair,) announced said committee to consist of Messrs. Bearss, New, and Ferguson.

Leave being granted,

Mr. Blair introduced

Senate bill No. 145. A bill to direct the clerks of the Court of Common Pleas in the several counties in this State, to procure certain dockets, and to direct the docketing of estates and guardianships, and regulating the fees of said clerks in relation thereto, and repealing all laws in conflict with the same;

Was read a first time, and passed to a second reading on tomorrow.

Leave being granted,

Mr. Ferguson introduced

Senate bill No. 146. A bill granting the use of the State Prison at Jeffersonville to the United States, for the imprisonment of criminals convicted of offenses against the United States, directing

the Warden of said Prison to receive such prisoners, and prohibiting the officers of the Northern State Prison from receiving the same;

Was read a first time, and passed to a second reading on tomorrow.

Senate resumed the consideration of Senate bill No. 67, passed over informally this morning.

The pending question being on the motion to indefinitely postpone,

The ayes and noes having been ordered, resulted as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hord,	Shields,
Berry,	Finch,	Jenkins,	Williams,
Bradley,	Fuller,	Johnson,	Wilson,
Cobb,	Gaff,	Landers,	Wolfe, and
Davis of Parke,	Hartley,	Moore,	Wright—22.
Davis of Cass,	Hoagland,	Pleak,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Brown of Wells,	Grubb,	Murray,
Bearss,	Culver,	March,	Reed,
Beeson,	Dickinson,	Marshall,	White, and
Blair,	Ferguson,	Melletts,	Wright—16.
Browne of R.,			

So the bill was indefinitely postponed.

Senate bill No. 18. A bill to amend section 23 of an act entitled an act to provide for the opening, vacating, and change of highways, approved June 17, 1852;

Was read a third time.

On motion by Mr. Shields,

And by unanimous consent, the publication clause in the bill was stricken out.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hord,	New,
Bearss,	Davis of Cass,	Jenkins,	Pleak,
Beeson,	Dickinson,	Johnson,	Reed,
Berry,	Dunning,	Landers,	Shields,
Blair,	Finch,	March,	White,
Bradley,	Fuller,	Marshall,	Williams,
Browne of R.,	Gaff,	Melletts,	Wilson,
Brown of Wells,	Grubb,	Moore,	Wolfe, and
Cobb,	Hartley,	Murray,	Wright—35.
Culver,	Hoagland,		

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Brown of Wells, chairman of the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The Committee on Enrolled Bills would report that they have compared the enrolled with the engrossed copy of Senate bill No. 15, introduced by the Senator from Shelby, and find the same correctly enrolled.

Senate bill No. 72. An act to amend section 42 of an act entitled "an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and to prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto;

Was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hord,	Pleak,
Beeson,	Dunning,	Jenkins,	Ray,
Blair,	Ferguson,	Johnson,	Reed,
Bradley,	Finch,	Landers,	Shields,
Brown of Wells,	Fuller,	March,	White,

Cobb,	Gaff,	Marshall,	Williams,
Culver,	Grubb,	Melletts,	Wilson,
Davis of Parke,	Hartley,	Moore,	Wolfe, and
Davis of Cass,	Hoagland,	Murray,	Wright—35.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.

Bearss,	Berry,	Browne of R., and New—4.
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So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 83. A bill providing that creditors and sureties shall have a right of action in certain cases, before the debt, or liability is due, and providing a remedy by attachment in such cases, and declaring when this act shall take effect;

Was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hord,	New,
Bearss,	Dickinson,	Jenkins,	Pleak,
Beeson,	Dunning,	Johnson,	Reed,
Berry,	Ferguson,	Landers,	Shields,
Blair,	Finch,	March,	White,
Bradley,	Gaff,	Marshall,	Williams,
Browne of R.,	Grubb,	Melletts,	Wilson,
Cobb,	Hartley,	Moore,	Wolfe, and
Davis of Parke,	Hoagland,	Murray,	Wright—35.

Mr. Culver voted in the negative.

So the bill passed.

*Ordered,* That the Secretary inform the Senate thereof.

On motion by Mr. Davis of Cass,

House bill No. 119, an act to amend the twenty-first section of an act entitled "an act to fix the times of holding the Common



Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws in conflict therewith, approved March 5, 1859, and providing for the return of process to the terms fixed by this act and declaring when this act shall take effect;"

Was taken up and read by title.

On motion by Mr. Davis of Cass,

The bill was indefinitely postponed.

Senate bill No. 96. A bill requiring the Clerk of the Common Pleas and Circuit Courts, and County Auditor, to make indexes to records, in certain cases,

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hoagland,	New,
Bearss,	Dickinson,	Hord,	Pleak,
Beeson,	Downey,	Jenkins,	Ray,
Berry,	Dunning,	Johnson,	Reed,
Blair,	Ferguson,	Landers,	Shields,
Bradley,	Finch,	March,	White,
Browne of R.,	Fuller,	Marshall,	Williams,
Brown of Wells,	Gaff,	Melletts,	Wilson,
Cobb,	Grubb,	Moore,	Wolfe, and
Culver,	Hartley,	Murray,	Wright—40.
Davis of Parke,			

Nays none.

So the bill passed.

Senate bill No. 97. An act to provide for the regulation of fare charged by railroad corporations or companies for the transportation of passengers on railroads, and prescribing penalties for the violation of this act.

Mr. Shields moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Shields and Browne of Randolph, and being taken, resulted as follows: Ayes 13, noes 26.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Reed,	Williams,
Beeson,	Hoagland,	Shields,	Wilson, and
Bradley,	Johnson,	White,	Wright—13.
Davis of Parke,	Ray,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Culver,	Grubb,	Melletts,
Bearss,	Davis of Cass,	Hartley,	Moore,
Berry,	Dickinson,	Hord,	Murray,
Blair,	Ferguson,	Jenkins,	New,
Browne of R.,	Finch,	Landers,	Pleak, and
Brown of Wells,	Fuller,	March,	Wolfe—26.
Cobb,	Gaff,	Marshall,	

So the motion was rejected.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hartley,	Murray,
Bearss,	Dickinson,	Hord,	New,
Berry,	Ferguson,	Jenkins,	Pleak,
Browne of R.,	Finch,	March,	Ray,
Brown of Wells,	Fuller,	Marshall,	White, and
Cobb,	Gaff,	Melletts,	Wolfe—26.
Culver,	Grubb,	Moore,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Landers,	Williams,
Beeson,	Dunning,	Reed,	Wilson, and
Blair,	Hoagland,	Shields,	Wright—13.
Bradley,	Johnson,		

So the bill passed.

Message from the House:

MR. PRESIDENT :

I am directed to return to the Senate enrolled act of the Senate, No. 15, being "an act authorizing railroads to make extensions or branches, in certain cases, and to take stock in railroad or other bridges;" which enrolled act has received the signature of the Speaker of the House of Representatives.

The House has also passed and concurred in the following engrossed bills of the Senate, without amendment, to-wit :

Senate bill No. 6. "An act ceding to the United States of America jurisdiction over certain lands, and their appurtenances, in the county of Marion, and reserving the right to serve process thereon, and exempting the same from taxation."

Senate bill No. 20. An act to amend section 33 of an act "entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Senate bill No. 22. A bill to amend the 54th section of chapter 7, entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Senate bill No. 26. "An act to amend the twelfth section of an act touching the relation of guardian and ward," approved June 9, 1852.

Senate bill No. 32. A bill to provide for the publication of notice of the pendency of suits as against defendants whose residence is unknown.

The President thereupon affixed his signature to the enrolled act first above named.

Senate bill No. 99. A bill to provide for issuing fee bills and executions against sureties in appeal bonds, in cases appealed to the Circuit or Common Pleas Courts;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hoagland,	Pleak,
Berry,	Dickinson,	Hord,	Ray,
Blair,	Ferguson,	Jenkins,	Reed,
Bradley,	Finch,	March,	Shields,
Browne of R.,	Fuller,	Marshall,	White,
Brown of Wells,	Gaff,	Murray,	Wilson, and
Cobb,	Hartley,	New,	Wolfe—28.
Davis of Parke,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Culver,	Johnson,	Moore,
Bearss,	Dunning,	Landers,	Williams, and
Beeson,	Grubb,	Mellett,	Wright—11.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 101. "A bill to amend section 40 of an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Davis of Parke,	Hoagland,	New,
Bearss,	Davis of Cass,	Hord,	Pleak,
Beeson,	Dickinson,	Jenkins,	Ray,
Berry,	Dunning,	Johnson,	Reed,
Blair,	Ferguson,	Landers,	Shields,
Bradley,	Finch,	March,	White,
Browne of R.,	Fuller,	Marshall,	Williams,
Brown of Wells,	Gaff,	Mellett,	Wilson,
Cobb,	Grubb,	Moore,	Wolfe, and
Culver,	Hartley,	Murray,	Wright—38.

Nays none.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Senate bill No. 125. A bill to amend the 5th section of an act entitled an act to amend an act entitled an act for incorporating the Wabash Manual Seminary, approved January 15, 1834, approved February 8, 1851;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hord,	New,
Bearss,	Davis of Cass,	Jenkins,	Pleak,
Beeson,	Dickinson,	Johnson,	Ray,
Berry,	Ferguson,	Landers,	Reed,
Blair,	Finch,	March,	White,
Bradley,	Fuller,	Marshall,	Williams,
Browne of R.,	Gaff,	Melletts,	Wilson,
Brown of Wells,	Grubb,	Moore,	Wolfe, and
Cobb,	Hartley,	Murray,	Wright—37.
Culver,	Hoagland,		

Senator Shields voted in the negative—1.

So the bill passed.

Senate bill No. 126. A bill to amend the 5th section of an act entitled an act regulating the adoption of heirs;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Davis of Parke,	Hoagland,	Murray,
Bearss,	Dickinson,	Hord,	New,
Beeson,	Douglass,	Jenkins,	Pleak,
Berry,	Dunning,	Johnson,	Ray,
Blair,	Ferguson,	Landers,	Reed,
Bradley,	Finch,	McClurg,	Shields,

Browne of R.,	Fuller,	March,	White,
Brown of Wells,	Gaff,	Marshall,	Williams,
Cobb,	Grubb,	Melletts,	Wilson, and
Culver,	Hartley,	Moore,	Wright—37.

Senator Wolfe voted in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Senate bill No. 129. A bill in relation to suits and proceedings by and against joint stock companies;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Fuller,	March,	Reed,
Blair,	Gaff,	Moore,	White,
Brown of Wells,	Grubb,	Pleak,	Williams, and
Dickinson,	Hartley,	Ray,	Wilson—16.
Dunning,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Cobb,	Jenkins,	Murray,
Bearss,	Davis of Parke,	Johnson,	New,
Beeson,	Ferguson,	Landers,	Shields,
Berry,	Finch,	Marshall,	Wolfe, and
Bradley,	Hoagland,	Melletts,	Wright—21.
Browne of R.,	Hord,		

So the bill was rejected.

House bill No. 4. An act entitled an act to amend the 406th section of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1862;

Was read a third time.



Mr. Browne of Randolph, by unanimous consent, obtained leave to amend the bill as follows:

Strike out from the emergency clause that portion requiring publication of the act in the Sentinel and Journal.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Grubb,	Ray,
Bearss,	Dunning,	Hord,	Reed,
Beeson,	Ferguson,	March,	Williams,
Berry,	Finch,	Marshall,	Wolfe, and
Browne of R.,	Gaff,	Pleak,	Wright—19.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Johnson,	Murray,
Blair,	Hartley,	Landers,	New,
Bradley,	Hoagland,	Mellett,	Shields, and
Brown of Wells,	Jenkins,	Moore,	Wilson—16.
Cobb,			

So the bill failed for want of a constitutional majority.

House bill No. 22. To amend section 27 of an act regulating the granting of divorces, nullification of marriages, decrees and orders of court incident thereto;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Gaff,	March,	Reed,
Blair,	Hartley,	Moore,	Shields,
Cobb,	Hord,	Pleak,	Wilson, and
Dickinson,	Johnson,	Ray,	Wolfe—17.
Ferguson,	Landers,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Grubb,	Murray,
Bearss,	Brown of Wells,	Hoagland,	New,

Beeson,	Davis of Parke,	Jenkins,	Williams, and
Berry,	Finch,	Marshall,	Wright—18.
Bradley,	Fuller,	Melletts,	

So the bill was rejected.

House bill No. 18. An act to amend section six of an act entitled "an act regarding estrays and articles adrift," approved June 16, 1852;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Cobb,	Hord,	Pleak,
Blair,	Dickinson,	Johnson,	Ray,
Bradley,	Ferguson,	Landers,	Wilson, and
Browne of R.,	Gaff,	March,	Wolfe—17.
Brown of Wells,	Hartley,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Finch,	Marshall,	Reed,
Bearss,	Fuller,	Melletts,	Shields,
Beeson,	Grubb,	Moore,	White,
Berry,	Hoagland,	Murray,	Williams, and
Davis of Parke,	Jenkins,	New,	Wright—19.

So the bill was rejected.

House bill No. 54 was read a third time by title only, and referred to a select committee of three, consisting of Messrs. March, Davis of Cass, and Wolfe.

House bill No. 44 was read a third time, and informally passed over.

House bill No. 59. An act to empower sheriffs to offer lands and other property for sale on execution, at the door of the clerk's office;  
Was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Jenkins,	Pleak,
Bearss,	Dunning,	Johnson,	Ray,
Beeson,	Ferguson,	Landers,	Reed,
Berry,	Finch,	March,	Shields,
Blair,	Fuller,	Marshall,	White,
Bradley,	Gaff,	Melletts,	Williams,
Browne of R.,	Grubb,	Moore,	Wilson,
Browne of Wells,	Hartley,	Murray,	Wolfe, and
Cobb,	Hoagland,	New,	Wright—37.
Davis of Parke,	Hord,		

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,

Mr. Gaff presented a petition from sundry citizens on the Ohio River, praying that the law be so amended as to make eighty pounds of coal a bushel, so as to correspond with the laws of Ohio and Pennsylvania;

Which was read a first time, and referred to the Committee on Agriculture.

On motion by Mr. March,

Senate bill No. 106 was taken from the table, and referred to the Committee on Finance.

Mr. Browne of Randolph submitted the following report:

MR. PRESIDENT:

The Committee on Enrolled Bills, to which was referred Senate bill No. 26, "An act to amend the twelfth section of an act entitled an act touching the relation of guardian and ward," approved June 9, 1852, have compared the same with the engrossed copy thereof, and respectfully report that the same is correctly enrolled.

On motion by Mr. Wilson,

The Senate adjourned.

FRIDAY, 9 o'clock, A. M., }  
 February 20, 1863. }

Senate met.

The Journal of yesterday was being read, and

On motion by Mr. Gifford,

Its further reading was dispensed with.

Mr. March asked and obtained leave of absence for Mr. Dunning, for three hours, to accompany the remains of Capt. James W. Gorman to the depot.

Mr. Murray, from the Committee on Temperance, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Temperance, to which was referred Senate bill No. 134, a bill supplemental to an act entitled "an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for the violation thereof," approved March 5, 1859, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Mr. Hord, from the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

The Committee on Enrolled Bills direct me to report that they have compared the enrolled with the engrossed copy of Senate bill No. 32, introduced by the Senator from Marion, and find the same correctly enrolled.

Mr. Hord, from the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

The Committee on Enrolled Bills direct me to report that they have compared the enrolled with the engrossed copy of Senate bill No. 6, introduced by the Senator from Mariou, and find the same correctly enrolled.

Mr. March submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred House bill No. 69, "a bill to regulate the duties of State Librarian," have had the same under consideration, and directed me to report the same back, and recommend the accompanying amendments, and when so amended, that the bill do pass :

Insert accompanying paper, marked No. 1, immediately after the first word "that," in the first section of the bill.

Insert paper No. 2 immediately at the close of first section of House bill.

Insert in the title, after the word "act," the following : "To amend section one of an act entitled an act to amend the eleventh and twenty-fourth sections of an act entitled an act regulating the election and duties of State Librarian, approved May 27, 1852, and to punish the violation of its provisions, approved June 4, 1861."

Section 1 of the act first named in the above title, which reads as follows :

"The Librarian shall, with the consent of the Auditor, Treasurer, and Secretary of State, fix the time during which any authorized person may detain a book from the State Library, and shall make, from time to time, necessary by-laws for the government of said Library, and a copy of said by-laws shall hang in a conspicuous place in the Library for the inspection of visitors, but no law book, nor Review, Magazine, Cyclopedia, books for reference of any kind, news or literary journals, in bound or single numbers, or any work in a number of volumes, or any very costly or rare work or book from the law library, shall be taken from the Library rooms. except temporarily by the Judges of the Supreme Court of this

State, of the United States' Court, officers of State, members and officers of the General Assembly, when required in the discharge of their official duties, and for no other purpose; such books may be taken temporarily to the court room during the session of any court held in the Capital buildings, by attorneys practicing therein, and for no other purpose," be amended to read as follows:

The Librarian shall, with the consent of the Auditor, Treasurer, and Secretary of State, make rules not inconsistent with this act, for the government of the Library, as to the time when the same shall be kept open, and other matters necessary for its preservation and usefulness. During the two first weeks of each term of the Supreme Court, the attorneys practicing therein shall have access to the Library between the hours of 7 o'clock, A. M., and 9 o'clock, P. M., each day, Sundays excepted.

Mr. Murray, from the Committee on Temperance, submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on Temperance, to which was referred Senate bill No. 80, "A bill to amend the fifth section of an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former acts contravening the provisions of this act, and prescribing penalties for violations," approved March 29, 1859, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Mr. Ray, Chairman of the Committee on the Judiciary, submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred House bill No. 87, defining the offense of "assault," have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendment, and when so amended, that it pass, viz:

Insert in line No. 7 of section 1, and between the words "present" and "shall," these words, viz: "Or of any weapon, instrument or missile held by him," and when so amended, that it pass.



Mr. Ray, Chairman of the Committee on the Judiciary, made the following report, which was concurred in:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred House bill No. 107, "for the relief of Nineveh Berry," have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that said bill be amended as follows, to-wit:

Strike out all after the title of the bill, and insert in lieu thereof, the following, viz:

WHEREAS, It is represented to this General Assembly that Nineveh Berry, of Madison county, Indiana, did, in the year 1858, expend the sum of four hundred dollars for seed corn, purchased by him in Canada, at the instance of the Board of Commissioners of Madison county, which resulted in serious pecuniary loss to him, and that he has a just and meritorious claim against the county of Madison therefor, but that the present Board of Commissioners doubt their authority to make him a proper allowance therefor, now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Board of County Commissioners of Madison be and they are hereby authorized and empowered to make to the said Nineveh Berry a just and equitable allowance for his losses in the premises, including expenses and interest.

SEC. 2. That an emergency exists for the immediate taking effect of this act, and it is, therefore, declared to be in force from and after its passage.

Mr. March, from the Judiciary Committee, submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred House bill No. 12, a bill in relation to the duties of District Attorneys, have had the same under consideration, and have directed me to report the same back and recommend its passage.

Mr. Ray, chairman of the Committee on the Judiciary, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 115, introduced by the Senator from Whitley, have had the same under consideration, and have directed me to report the same back with the recommendation that it lie on the table, for the reason that the law, as it exists, covers the point contemplated by the bill.

On motion by Mr. Williams,  
The last vote was reconsidered.

On motion by Mr. Douglass,  
The bill was recommitted.

Mr. Hord, from the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

The Committee on Enrolled Bills have directed me to report that they have compared the engrossed with the enrolled copy of Senate bill No. 20, introduced by Mr. Hord, from Bartholomew, and find the same correctly enrolled.

Mr. Johnson, chairman of the Committee on County and Township Business, submitted the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 109, a bill requiring the commissioners of the several counties of this State, to make allowances and issue orders therefor, in certain cases therein specified, have had the same under consideration and have directed me to report the bill back, with the following amendment, and when so amended, recommend its passage :

Amend the bill by adding the following :

*Provided further,* That where any claim has been sold by the original contractor, or person performing the labor, previous to the passage of this act, no greater sum shall be allowed to any person

on such claim than was paid for the claim by the person owning it at the time of the passage of this act, with interest from the time of the purchase of said claim.

On motion by Mr. Corbin,

The bill and pending amendment were referred to a select committee of three, whom the President makes to consist of Messrs. Corbin, Browne of Randolph, and Cobb.

Mr. Williams submitted the following report :

MR. PRESIDENT :

The Committee on Apportionments, to whom was referred Senate bill No. 111, a bill to apportion Senators and Representatives for the next six years, have had the same under consideration, and have made the following amendments to the bill, and recommend their adoption, viz :

Steuben and DeKalb one Senator, Lagrange and Noble one Senator, Laporte one Representative, St. Joseph one Representative, Laporte and St. Joseph jointly one, Sullivan one, Vigo one, Sullivan and Vigo jointly one, Morgan one, Johnson one, Brown one for the year 1864, Monroe one for the year 1864, and Monroe and Brown jointly one for the years 1866 and 1868, Morgan and Johnson one jointly for the years 1866 and 1868. With these amendments the Committee would recommend the passage of the bill.

Mr. Williams moved to make the bill and amendments the special order for 2 o'clock, P. M.

Mr. Claypool moved to amend by making it Tuesday next at 10 o'clock, P. M.

Mr. Williams moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Blair and Claypool, and being taken, resulted as follows—ayes 21, noes 21 :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Gaff,	Johnson,	Ray,
Bradley,	Gifford,	Landers,	Shields,
Brown of Wells,	Hartley,	Marshall,	Williams,

Cobb,	Hoagland,	Moore,	Wilson, and
Corbin,	Hord,	Murray,	Wolfe—21.
Finch,	Jenkins,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearrs,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Blair,	Dickinson,	New,	Wright—21.
Browne of R.,	Ferguson,		

So the motion does not lie on the table.

Mr. Browne of Randolph asked and obtained leave of absence for Mr. Downey for to-day, on account of sickness.

Mr. Cobb demanded a call of the Senate.

The call was proceeded with, and the following named Senators answered to their names, viz :

Messrs.	Culver,	Hoagland,	New,
Bearrs,	Davis of Parke,	Hord,	Pleak,
Beeson,	Dickinson,	Jenkins,	Ray,
Berry,	Douglass,	Johnson,	Reed,
Blair,	Ferguson,	Landers,	Shields,
Bradley,	Finch,	Mansfield,	Teegarden,
Browne of R.,	Fuller,	March,	White,
Brown of Wells,	Gaff,	Marshall,	Williams,
Campbell,	Gifford,	Melletts,	Wilson,
Claypool,	Grubb,	Moore,	Wolfe, and
Cobb,	Hartley,	Murray,	Wright—44.
Corbin,			

On motion by Mr. Shields,  
Further proceedings under the call was dispensed with.

On motion by Mr. Williams,

A recount was had on his motion to lay Mr. Claypool's motion on the table, with the following result—ayes 25, noes 20.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hord,	Murray,
Bradley,	Finch,	Jenkins,	Ray,
Brown of Wells,	Fuller,	Johnson,	Shields,
Cobb,	Gaff,	Landers,	Williams,
Corbin,	Gifford,	Marshall,	Wilson, and
Davis of Cass,	Hartley,	Moore,	Wolfe—25.
Douglass,	Hoagland,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Dickinson,	Melletts,	White, and
Blair,	Ferguson,	New,	Wright—20.
Browne of R.,			

So the motion lays on the table.

Mr. New moved to amend so as to make it the special order for Wednesday next.

Mr. Williams moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. New and Berry, and being taken, resulted as follows, ayes 25, nays 19:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hord,	Murray,
Bradley,	Ferguson,	Jenkins,	Ray,
Brown of Wells,	Finch,	Johnson,	Shields,
Cobb,	Fuller,	Landers,	Williams,
Corbin,	Gaff,	Marshall,	Wilson, and
Davis of Cass,	Gifford,	Moore,	Wolfe—25.
Douglass,	Hartley,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Dickinson,	Pleak,
Bearss,	Campbell,	Grubb,	Reed,

Beeson,	Claypool,	March,	Teegarden,
Berry,	Culver,	Mellett,	White, and
Blair,	Davis of Parke,	New,	Wright—19.

So the motion lies on the table.

Mr. Mellett moved to postpone the further consideration of the bill and pending amendment until Monday next.

Mr. Cobb moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Bearss and Mellett, and being taken, resulted as follows, ayes 26, nays 18:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hartley,	Murray,
Bradley,	Dunning,	Hord,	Ray,
Brown of Wells,	Ferguson,	Jenkins,	Shields,
Cobb,	Finch,	Johnson,	Williams,
Corbin,	Fuller,	Landers,	Wilson, and
Davis of Cass,	Gaff,	Marshall,	Wright—26.
Dickinson,	Gifford,	Moore,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Mansfield,	Reed,
Bearss,	Campbell,	March,	Teegarden,
Beeson,	Claypool,	Mellett,	White, and
Berry,	Culver,	New,	Wright—18.
Blair,	Grubb,	Pleak,	

So the motion lies upon the table.

Mr. Bearss moved to postpone the further consideration of the bill and report until Saturday week.

Mr. Cobb moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Bearss and Brown of Wells, and being taken, resulted as follows, ayes 27, nays 19:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hartley,	Moore,
Bradley,	Dunning,	Hoagland,	Murray,



Brown of Wells,	Ferguson,	Hord,	Ray,
Cobb,	Finch,	Jenkins,	Shields,
Corbin,	Fuller,	Johnson,	Williams,
Davis of Cass,	Gaff,	Landers,	Wilson, and
Dickinson,	Gifford,	Marshall,	Wolfe—27.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Grubb,	Pleak,
Bearss,	Campbell,	Mansfield,	Reed,
Beeson,	Claypool,	March,	Teegarden,
Berry,	Culver,	Mellett,	White, and
Blair,	Davis of Parke,	New,	Wright—19.

So the motion lies on the table.

Mr. Brown of Wells demanded the previous question.

Mr. Williams withdrew his motion to postpone.

Mr. Brown of Wells withdrew his demand for the previous question.

Mr. Dunning (Mr. Wolfe in the chair,) renewed the motion to postpone until 2 o'clock, P. M.

Mr. Mellett moved to amend by postponing until Tuesday next at 2 o'clock, P. M.

Mr. Brown of Wells renewed his demand for the previous question.

The ayes and noes were then ordered by Messrs. Bearss and Mellett, and being taken, resulted as follows, ayes 24, nays 21 :

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Finch,	Hord,	Murray,
Bradley,	Fuller,	Jenkins,	Ray,
Brown of Wells,	Gaff,	Johnson,	Shields,
Cobb,	Gifford,	Landers,	Williams,
Corbin,	Hartley,	Marshall,	Wilson, and
Davis of Cass,	Hoagland,	Moore,	Wolfe—24.
Douglass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Blair,	Dunning,	New,	Wright—21.
Browne of R.,	Ferguson,		

So the demand for the previous question was not seconded.

The question recurring on Mr. Mellett's motion,

The ayes and noes were demanded by Messrs. Mellett and Browne of Randolph, with the following result:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Ferguson,	New,
Bearss,	Claypool,	Grubb,	Pleak,
Beeson,	Culver,	Mansfield,	Reed,
Berry,	Davis of Parke,	March,	White, and
Blair,	Dunning,	Melletts,	Wright—19.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Hord,	Murray,
Bradley,	Finch,	Jenkins,	Ray,
Brown of Wells,	Fuller,	Johnson,	Shields,
Cobb,	Gaff,	Landers,	Williams,
Corbin,	Gifford,	Marshall,	Wilson, and
Davis of Cass,	Hartley,	Moore,	Wolfe—25.
Dickinson,	Hoagland,		

So the motion to postpone the bill until Tuesday was laid on the table.

Mr. New moved to postpone until 9 o'clock, on Monday next.

Mr. Cobb moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Bearss and New, and being taken with the following result:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Finch,	Hord,	Murray,
Bradley,	Fuller,	Jenkins,	Ray,
Brown of Wells,	Gaff,	Johnson,	Shields,
Cobb,	Gifford,	Landers,	Williams,
Corbin,	Hartley,	Marshall,	Wilson, and
Davis of Cass,	Hoagland,	Moore,	Wolfe—24.
Douglass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Grubb,	Pleak,
Bearss,	Culver,	Mansfield,	Reed,
Beeson,	Davis of Parke,	March,	Teegarden,
Berry,	Dickinson,	Melletts,	White, and
Blair,	Dunning,	New,	Wright—21.
Campbell,	Ferguson,		

So the motion lies on the table.

Mr. Claypool moved to amend by postponing until Wednesday at 9 o'clock A. M.

Mr. Cobb moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Bearss and March, and being taken, with the following result:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hoagland,	Murray,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Wilson,
Corbin,	Gaff,	Landers,	Williams, and
Davis of Cass,	Gifford,	Marshall,	Wolfe—26.
Dickinson,	Hartley,	Moore,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,

Beeson,	Culver	March,	Teegarden,
Berry,	Davis of Parke,	Mellett,	White, and
Blair,	Dunning,	New,	Wright—19.

So the motion was laid on the table.

Mr. Campbell moved to amend by indefinitely postponing the bill.

Mr. Ray demanded the previous question.

The ayes and noes were demanded by Messrs. Mellett and Claypool, and being taken with the following result :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hartley,	Moore,
Bradley,	Douglass,	Hoagland,	Murray,
Brown of Wells,	Ferguson,	Hord,	Ray,
Cobb,	Finch,	Jenkins,	Shields,
Corbin,	Fuller,	Johnson,	Williams,
Davis of Parke,	Gaff,	Landers,	Wilson, and
Davis of Cass,	Gifford,	Marshall,	Wolfe—27.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Mansfield,	Reed,
Bearss,	Claypool,	March,	Teegarden,
Beeson,	Culver,	Mellett,	White, and
Berry,	Dunning,	New,	Wright—18.
Blair,	Grubb,	Pleak,	

So the demand for the previous question was seconded.

A message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the Speaker of the House has signed the following Senate enrolled bills, to-wit :

Senate bill No. 6. An act ceding to the United States of America jurisdiction over certain lands and their appurtenances in the county of Marion, and reserving the right to serve process thereon, and exempting the same from taxation.

Senate bill No. 20. An act to amend section twenty-three of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors and appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 2, 1852.

Senate bill No. 26. An act to amend the twelfth section of an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852.

Senate bill No. 32. An act to provide for the publication of notice of the pendency of suits as against defendants whose residence is unknown.

The President thereupon affixed his signatures to the above named bills.

Mr. March moved to adjourn.

The President decided this motion out of order.

Upon which Mr. Claypool made the following appeal:

The previous question having been seconded, and before the vote was put to the Senate, the Senator from Miami moved that the Senate adjourn, which motion the President decided out of order, from which decision the Senators from Henry and Fayette and Union appeal.

Mr. Cobb moved to lay the appeal on the table.

The ayes and noes were demanded by Messrs. Mellett and Bearss, and being taken, with the following result:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Finch,	Hord,	Murray,
Bradley,	Fuller,	Jenkins,	Ray,
Brown of Wells,	Gaff,	Johnson,	Shields,
Cobb,	Gifford,	Landers,	Williams,
Corbin,	Hartley,	Marshall,	Wilson, and
Davis of Cass,	Hoagland,	Moore,	Wolfe—24.
Douglass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Ferguson,	Pleak,
Bearss,	Culver,	Grubb,	Reed,
Beeson,	Davis of Parke,	March,	Teegarden,
Berry,	Dickinson,	Mellet,	White, and
Blair,	Dunning,	New,	Wright—20.
Campbell,			

So the appeal lies on the the table.

The question recurring on the indefinite postponemnt of the bill,

The ayes and noes were demanded by Messrs. Wilson and Moore, and being taken with the following result:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Grubb,	Reed,
Bearss,	Claypool,	March,	Teegarden,
Beeson,	Culver,	Mellet,	White, and
Berry,	Davis of Parke,	New,	Wright—18.
Blair,	Dunning,	Pleak,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Hoagland,	Murray,
Bradley,	Ferguson,	Hord,	New,
Brown of Wells,	Finch,	Jenkins,	Ray,
Cobb,	Fuller,	Johnson,	Shields,
Corbin,	Gaff,	Landers,	Williams,
Davis of Cass,	Gifford,	Marshall,	Wilson, and
Dickinson,	Hartley,	Moore,	Wolfe—26.

So the motion to indefinitely postpone was rejected.

The question being on the postponing until 2 o'clock this afternoon, and being made the special order for that hour,

The ayes and noes were demanded by Messrs. Bears and Beeson, and being taken, resulted as follows:



## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hartley,	Murray,
Berry,	Douglass,	Hoagland,	New,
Blair,	Dunning,	Hord,	Pleak,
Bradley,	Ferguson,	Jenkins,	Ray,
Brown of Wells,	Finch,	Johnson,	Shields,
Cobb,	Fuller,	Landers,	Williams,
Corbin,	Gaff,	Marshall,	Wilson, and
Davis of Parke,	Gifford,	Moore,	Wolfe—31.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Culver,	March,	Teegarden,
Beeson,	Davis of Cass,	Melletts,	White, and
Campbell,	Grubb,	Reed,	Wright—12.
Claypool,			

So the motion to postpone until 2 o'clock this afternoon was agreed to.

Mr. Ferguson offered the following resolution, which was adopted :

*Resolved*, That a committee of three be appointed to compile and report to the Senate, from the reports of the officers of the two State Prisons, a statement of the annual expense of each prison for two years last past, exclusive of repairs, machinery, and construction, but including salaries of officers; and showing the average annual expense for each convict, in each prison, during said period.

The President announced said committee to consist of Senators Ferguson, Teegarden, and Cobb.

On motion by Mr. Claypool,

House bill No. 44, an act to amend the sixth section of an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859, was taken up.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hartley,	Murray,
Bearss,	Davis of Cass,	Hoagland,	Pleak,
Beeson,	Dickinson,	Hord,	Ray,
Berry,	Douglass,	Jenkins,	Shields,
Blair,	Dunning,	Johnson,	Teegarden,
Bradley,	Ferguson,	Landers,	White,
Brown of Wells,	Finch,	March,	Williams,
Claypool,	Fuller,	Marshall,	Wilson,
Cobb,	Gaff,	Mellet,	Wolfe, and
Corbin,	Gifford,	Moore,	Wright—41.
Culver,	Grubb,		

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,

Mr. Cobb introduced

Senate joint resolution No. 13, a joint resolution instructing our Senators, and requesting our Representatives in Congress to vote against the acceptance of League Island as a location for a navy yard ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Hord, from the Committee on Enrolled bills, made the following report :

MR. PRESIDENT :

The Committee on Enrolled Bills have directed me to report that they have compared the engrossed with the enrolled Senate bill No. 22, introduced by Mr. Ferguson, the Senator from Clarke, and find the same correctly enrolled.

Leave being granted,

Mr. Corbin introduced

Senate bill No. 147. An act providing for the election and appointment of officers for the benevolent institutions of this State, prescribing some of their duties, and other matters properly connected therewith, repealing all laws in conflict with the same, and declaring an emergency for the immediate taking effect thereof;

Was read a first time.

Mr. Corbin moved that the rules be suspended in order to read the bill a second time now.

The ayes and noes being taken under the Constitution, resulted as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hartley,	Murray,
Bearss,	Dunning,	Hord,	Ray,
Bradley,	Ferguson,	Jenkins,	Shields,
Brown of Wells,	Finch,	Johnson,	Williams,
Cobb,	Fuller,	Marshall,	Wilson, and
Corbin,	Gaff,	Moore,	Wolfe—25.
Davis of Cass,	Gifford,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Culver,	March,	Reed,
Beeson,	Davis of Parke,	Mellett,	Teegarden,
Blair,	Dickinson,	New,	White, and
Claypool,	Grubb,	Pleak,	Wright—15.

So the rules were not suspended.

On motion by Mr. Cobb,

The Senate adjourned.

2 O'CLOCK, P. M.

Senate met.

A message was received from the Governor, having special reference to the State Arsenal, &c.,

Which was read, and

On motion by Mr. Browne of Randolph,

Was referred to a select committee of five.

The President announced said committee to consist of Messrs. Browne of Randolph, Williams, March, Ray and Wolfe.

Leave being granted,

Mr. Browne of Randolph introduced

Senate bill No. 148, entitled a bill for the relief of Peter and Benoni Wells;

Which was read a first time.

Mr. Browne of Randolph, moved a suspension of the rules, so that the bill may be read a second time now.

The ayes and noes being taken under a constitutional provision,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Corbin,	Grubb,	Murray,
Bearss,	Davis of Cass,	Hartley,	New,
Beeson,	Dickinson,	Hoagland,	Pleak,
Berry,	Douglass,	Hord,	Ray,
Blair,	Downey,	Jenkins,	Reed,
Bradley,	Dunning,	Johnson,	Shields,
Browne of R.,	Ferguson,	Landers,	Tergarden,
Brown of Wells,	Finch,	March,	Williams,
Campbell,	Fuller,	Marshall,	Wilson,
Claypool,	Gaff,	Melletts,	Wolfe, and
Cobb,	Gifford,	Moore,	Wright—42.

So the rules were suspended, and Senate bill No. 148 was read the second time, and referred to the Judiciary Committee.

Leave being granted,

Mr. Bearss, from a select committee, submitted the following report, which was concurred in :

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 98, "an act to repeal all provisions of acts of incorporation heretofore passed, requiring any company or companies to complete any plank road, gravel road, or McAdamized road, and authorizing said companies, in certain cases, to collect toll," have had the same under consideration, and direct me to report the same back, with the following amendment added thereto :

"And provided also that unless said company complete said road within five years, that nothing herein contained shall prevent the forfeiture of their charter, for the part of said contemplated road, which shall not before that time have been fully made and completed."

And when so amended, they recommend the passage of said bill.

Mr. Wolfe, chairman of the Committee on the Organization of Courts, submitted the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to which was referred Senate bill No. 110, being "an act to create the sixteenth judicial circuit," &c., have had the same under consideration, and directed me to report the same back to the Senate, with the recommendation that the same lie on the table.

Which was concurred in.

The President announced the consideration of the special order, Senate bill No. 111, an act to apportion Senators and Representatives for the next six years.

The question being on adopting the committee amendments,

Mr. Landers demanded a division of the question.

The first nine committee amendments were adopted.

Mr. Dunning (Mr. Cobb being in the chair,) moved to amend the tenth amendment as follows :

Add after the year 1864, where it applies to Brown county, the words "and 1868," and strike from the county of Martin the Representative for the year 1868.

The ayes and noes were demanded by Messrs. Dunning and Gifford, and being taken, resulted as follows—ayes 22, noes 19:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	Grubb,	New,
Bearss,	Culver,	Hord,	Pleak,
Beeson,	Dickinson,	Mansfield,	Ray,
Berry,	Dunning,	March,	Teegarden,
Blair,	Ferguson,	Marshall,	White, and
Campbell,	Gifford,	Moore,	Wright—23.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Gaff,	Landers,
Bradley,	Douglass,	Hartley,	Shields,
Brown of Wells,	Downey,	Hoagland,	Williams,
Cobb,	Finch,	Jenkins,	Wilson, and
Corbin,	Fuller,	Johnson,	Wolfe—19.

So the amendment was agreed to.

Mr. Cobb moved to take from the county of Laporte one Representative in the year 1868, and give it to the county of Martin.

Mr. Teegarden moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Campbell and New, and being taken, resulted as follows—ayes 26, noes 16.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	Gifford,	Shields,
Bearss,	Culver,	Grubb,	Teegarden,



Beeson,	Dickinson,	Mansfield,	White,
Berry,	Douglass,	March,	Williams,
Blair,	Dunning,	New,	Wilson, and
Bradley,	Ferguson,	Pleak,	Wright—26.
Campbell,	Gaff,	Ray,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Hoagland,	Landers,
Brown of Wells,	Finch,	Hord,	Marshall,
Cobb,	Fuller,	Jenkins,	Moore, and
Corbin,	Hartley,	Johnson,	Wolfe—16.
Davis of Cass,			

So the amendment lies on the table.

Mr. Cobb moved to take the Representative from Monroe and Brown counties, in 1868, and give it to the county of Martin;  
Which was agreed to.

Mr. Blair moved to take one Representative from Putnam county in the years 1864 and 1868, and give Morgan and Hendricks one Representative for the years 1864 and 1868.

On motion by Mr. Johnson,  
This motion was laid on the table.

The 11th amendment being read,  
Mr. Beeson moved to amend as follows:

Add one member to the county of Wayne for the year 1866, and take that member from the float of Morgan and Johnson for that year.

Mr. Landers moved to lay this amendment on the table.

The ayes and nays were demanded by Messrs. Bearss and Beeson, and being taken, resulted as follows: Ayes 23, noes 16.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hoagland,	Moore,
Blair,	Downey,	Hord,	Murray.

Brown of Wells,	Finch,	Jenkins,	Ray,
Cobb,	Fuller,	Johnson,	Shields,
Corbin,	Gaff,	Landers,	Williams, and
Davis of Cass,	Gifford,	Marshall,	Wolfe—23.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Grubb,	Pleak,
Bearss,	Culver,	Mansfield,	Teegarden,
Beeson.	Dickinson,	March,	White, and
Berry,	Dunning,	New,	Wright—16.
Campbell,			

So the motion lies on the table.

Mr. Shields offered the following amendment:

Amend to read as follows: That the member taken from Martin and given to Brown for the year 1868, be a joint one for the counties of Brown and Monroe.

Which was adopted.

Mr. Bearrs offered the following amendment:

Amend by forming one Senatorial district of the counties of Wabash and Miami, and one Senatorial District of the counties of Kosciusko and Fulton.

Mr. Brown of Wells demanded the previous question.

The ayes and noes were demanded by Messrs. Beeson and Bearss, and taken with the following result:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hoagland,	Murray,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Williams,
Corbin,	Gaff,	Landers,	Wilson, and
Davis of Cass,	Gifford,	Marshall,	Wolfe—25.
Douglass,	Hartley,	Moore,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Grubb,	Pleak,
Bearss,	Culver,	Mansfield,	Teegarden,
Beeson,	Dickinson,	March,	White, and
Berry,	Dunning,	New,	Wright—17.
Blair,			

So the Senate refused to second the demand.

The question being on the amendment offered by Mr. Bearss, Mr. Landers moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Bearss and Berry, and being taken, resulted as follows :

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Williams,
Corbin,	Gaff,	Landers,	Wilson, and
Davis of Cass,	Gifford,	Marshall,	Wolfe—25.
Douglass,	Hartley,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Mansfield,	Pleak,
Bearss,	Culver,	March,	Teegarden,
Beeson,	Dickinson,	Murray,	White, and
Berry,	Dunning,	New,	Wright—17.
Blair,	Grubb,		

So the amendment was laid on the table.

Mr. March offered the following amendment :

Amend by striking from 63d district and insert it in 66th district.

Mr. Brown of Wells moved to lay this amendment on the table.

The ayes and noes were demanded by Messrs. March and Claypool, and being taken, resulted as follows—ayes 24 noes 17 :

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hoagland,	Moore,
Bradley,	Finch,	Hord,	Ray,
Brown of Wells,	Fuller,	Jenkins,	Shields,
Cobb,	Gaff,	Johnson,	Williams,
Corbin,	Gifford,	Landers,	Wilson, and
Davis of Cass,	Hartley,	Marshall,	Wolfe—24.
Douglass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Mansfield,	Pleak,
Bearss,	Culver,	March,	Teegarden,
Beeson,	Dickinson,	Murray,	White, and
Berry,	Dunning,	New,	Wright—17.
Blair,	Grubb,		

So the amendment lies on the table.

Mr. Claypool made an ineffectual motion to adjourn.

Mr. Williams demanded the previous question.

The ayes and noes were demanded by Messrs. March and Bearss, and being taken, resulted as follows—ayes 25, noes 16:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hord,	Murray,
Bradley,	Finch,	Jenkins,	Ray,
Brown of Wells,	Fuller,	Johnson,	Shields,
Cobb,	Gaff,	Landers,	Williams,
Corbin,	Gifford,	Marshall,	Wilson, and
Davis of Cass,	Hartley,	Moore,	Wolfe—25.
Douglass,	Hoagland,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Grubb,	Pleak,
Bearss,	Culver,	Mansfield,	Teegarden,
Beeson,	Dickinson,	March,	White, and
Berry,	Dunning,	New,	Wright—16.
Blair,			

So the Senate refused to second the demand for the previous question.

Mr. Williams asked and obtained leave of absence for Mr. Downey on account of sickness in his family.

Mr. White asked and obtained leave of absence for Mr. Reed on account of sickness.

Mr. Claypool made an ineffectual motion to adjourn.

Mr. Wright offered the following amendment:

Amend the second section so as to give Lake one, Porter one, Pulaski, Jasper and Newton one, White and Benton one, and strike Benton from Warren.

The ayes and noes were demanded by Messrs. March and Wright, and were taken, with the following result:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Claypool,	Mansfield,	Pleak,
Bearss,	Culver,	March,	Teegarden,
Beeson,	Dunning,	Murray,	White, and
Berry,	Grubb,	New,	Wright—16.
Blair,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Hoagland,	Moore,
Bradley,	Finch,	Hord,	Ray,
Brown of Wells,	Fuller,	Jenkins,	Shields,
Cobb,	Gaff,	Johnson,	Williams,
Corbin,	Gifford,	Landers,	Wilson, and
Davis of Cass,	Hartley,	Marshall,	Wolfe—24.
Douglass,			

So the amendment was rejected.

Mr. Blair made an ineffectual motion to adjourn.

The bill was then ordered to be engrossed and read a third time to-morrow.

On motion by Mr. Brown of Wells,  
The Senate adjourned.

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SATURDAY, 9 o'CLOCK, A. M., }  
February 21, 1863. }

The Senate met.

The journal of yesterday was being read, when,

On motion by Mr. Claypool,  
Its further reading was dispensed with.

Mr. New presented a petition, which, without reading, was laid on the table, and ordered to be printed, with the memorial from the army of the Cumberland.

Mr. Wolfe, from the Committee on Elections, submitted the following report, which was concurred in :

MR. PRESIDENT:

The Committee on Elections, to which was referred Senate bill No. 89, being "a bill for the punishment of officers of elections," &c., have had the same under consideration, and directed me to report the same, with the following amendment, and when so amended, they recommend its passage :

Strike out all in the first, second and third sections of the bill, fixing the punishment for said offenses, and insert in lieu thereof in each of said sections the following :

"Shall be fined in any sum not less than twenty-five, nor more than one thousand dollars, to which may be added imprisonment in the county jail for any term not exceeding six months, and disfranchisement for any term not exceeding five years."

A message from the House :



MR. PRESIDENT :

I am directed by the House to inform the Senate that the Speaker of the House has signed enrolled Senate bill No. 22, an act to amend the fifty-fourth section of chapter seven, entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

The President thereupon affixed his signature to the bill therein contained.

Mr. Beeson, from the Committee on Finance, submitted the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate joint resolution No. 9, have had the same under consideration, and direct me to report it back to the Senate, and recommend its indefinite postponement.

Mr. Ferguson moved to lay the report and joint resolution on the table.

The ayes and noes were demanded by Messrs. Moore and Brown of Wells, and being taken, resulted as follows—ayes 22, noes 18 :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Grubb,	Pleak,
Bearss,	Dickinson,	Mansfield,	Reed,
Beeson,	Dunning,	March,	Teegarden,
Berry,	Ferguson,	Melletts,	White, and
Blair,	Gaff,	Murray,	Wright—22.
Claypool,	Gifford,	New,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Williams,
Cobb,	Fuller,	Landers,	Wilson, and
Corbin,	Hartley,	Marshall,	Wolfe—18.
Davis of Cass,	Hoagland,	Moore,	

So the joint resolution lays on the table.

A message from the Governor by Mr. Holloway, his private Secretary :

MR. PRESIDENT :

I am directed by the Governor to inform your honorable body that he has signed and approved

Senate bill No. 15. An act authorizing railroads to make extensions or branches in certain cases, and to take stock in railroad or other bridges, and has caused a copy of the same to be filed in the office of the Secretary of State.

Mr. Claypool, from the Committee on Finance, submitted the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred House bill No. 109, being "an act for the relief of borrowers of the Sinking Fund, and to amend section one of an act for the relief of borrowers of the Sinking Fund," approved March 9, 1861, have had the same under advisement, and have directed me to report the same back to the Senate and request that it lie on the table ;

Which was concurred in.

Mr. Landers, from the Committee on Elections, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Elections, to whom was referred Senate bill No. 103, an act to amend sections 18 and 26 of an act regulating general elections, and prescribing the duties of officers in relation thereto, approved June 7, 1852, have had the same under consideration, and directed me to report the same back and recommend its passage.

Mr. Mellett offered the following resolution, which was adopted :

WHEREAS, The General Assembly desires to join on Monday

next in the proposed celebration of Washington's birthday; therefore,

*Resolved*, That when the Senate adjourns it adjourn to meet on Tuesday, at 9 o'clock, A. M.

Mr. Wolfe, from the Committee on the Judiciary, submitted the following report:

MR. PRESIDENT:

The Judiciary Committee, to which was referred Senate bill No. 120, being a bill to amend the 738th section of an act to revise, simplify, and abridge the rules, practice, pleadings, &c., have had the same under consideration, and directed me to report the same back with the recommendation that the same be laid upon the table;

Which was concurred in.

On motion by Mr. Brown of Wells,  
The bill was recommitted,

Mr. Murray introduced the following concurrent resolution, which was adopted:

WHEREAS, The policy pursued by the military authorities having charge of the volunteer militia of this State, in the prosecution of the war, in refusing furloughs to our sick and wounded soldiers, whereby they could return to their homes for the restoration of their health, until their final recovery was beyond a reasonable hope, is a needless and cruel sacrifice of the lives of our citizen soldiery—detrimental to the public service—by discouraging enlistments, and creating a feeling of hostility to the war; and,

WHEREAS, The Legislature of Indiana has already placed the necessary means in the hands of the Governor, to avert, as far as possible, the sad calamities of this war, which is filling our State with desolated homes, and is still willing to adopt every means within its power to save the lives of those who have generously and patriotically offered them to the service of their country for the restoration of the Union; therefore,

*Be it resolved by the Senate, (the House concurring,)* That His Excellency, Oliver P. Morton, together with our Senators and Representatives in Congress, be, and they are hereby respectfully requested to use their influence with the War Department in such

manner as shall procure for each sick and wounded Indiana soldier a furlough home, at the expense of the Government, whenever the regimental or hospital surgeon shall certify that said sick or wounded soldier is not likely to be fit for duty within twenty days.

*Resolved*, That suitable arrangements also be made whereby all such furloughed soldiers of this State shall be reported to the Adjutant General of the State, their names, places of residence, and the time for which they have been furloughed, in order that at the expiration of their furlough, or at such time after the expiration thereof as they shall be declared fit for duty by competent surgeons at their place of residence, all such soldiers may, by the Adjutant General of the State, be ordered back to their several regiments.

*Resolved*, That upon the passage of this concurrent resolution a copy thereof be presented to the Governor, and one forwarded to each of our Senators and Representatives in Congress, by the Secretary of the Senate.

On motion by Mr. Williams,

The Senate proceeded to the consideration of bills on their second reading.

Senate bill No. 4. A bill to amend the second and third sections of an act entitled "an act regulating docket fees of district attorneys in the Courts of Common Pleas, and before justices of the peace, and regulating prosecuting and district attorneys' fees in prosecutions on forfeited recognizances," approved June 4, 1861;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Cobb,	Gifford,	Mellett,
Bearss,	Corbin,	Grubb,	New,
Beeson,	Davis of Cass,	Hoagland,	Ray,
Berry,	Dickinson,	Hord,	Reed,
Blair,	Douglass,	Mansfield,	Teegarden, and
Campbell,	Dunning,	March,	White—25.
Claypool,	Gaff,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Jenkins,	Murray,	Wilson,
Ferguson,	Landers,	Moore,	Wolfe, and
Finch,	Marshall,	Williams,	Wright—12.
Hartley,			

So the bill failed for want of a constitutional majority.

Senate bill No. 80 was read by title only.

Mr. Wolfe moved to recommit the bill with instruction to strike out the word "fifty," and insert the word "twenty," as the fee for license to retail.

Mr. Ferguson moved to amend the instructions by striking out "twenty" and inserting "thirty."

Mr. New moved to lay both amendments on the table.

The matter was informally passed over.

On motion by Mr. Williams,

The Senate proceeded to the consideration of bills on their second reading.

Senate bill No. 144. An act to regulate sheriff fees in certain cases of sale on execution;

Was read a second time, and,

On motion by Mr. Wilson,

Was referred to the Committee on the Judiciary.

Senate bill No. 147. A bill providing for the election and appointment of officers for the benevolent institutions of this State, prescribing some of their duties, and other matters properly connected therewith, repealing all laws in conflict with the same, and declaring an emergency for the immediate taking effect thereof.

Which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

On motion by Mr. New,

The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

Senate bill No. 145. A bill to direct the clerks of the Courts of Common Pleas in the several counties of this State to procure certain dockets, and to direct the docketing of estates and guardianships, and regulating the fees of said clerks in relation thereto, and repealing all laws in conflict with the same;

Was read a second time, and referred to the Committee on the Judiciary.

Senate bill No. 146. A bill granting the use of the State Prison at Jeffersonville to the United States, for the imprisonment of criminals convicted of offenses against the United States, directing the Warden of said Prison to receive such prisoners, and prohibiting the officers of the Northern State Prison from receiving the same;

Read a second time, and ordered to be engrossed for a third reading on to-morrow.

Joint resolution No. 13, of the Senate. A joint resolution instructing our Senators and requesting our Representatives in Congress to vote against the acceptance of "League Island" as a location for a navy yard;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Message from the House:

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following engrossed bills thereof, to-wit:

House bill No. 27. An act providing for calling special sessions of Boards of County Commissioners.

House bill No. 72. An act to amend an act entitled an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852.

In which the concurrence of the Senate is respectfully requested.



House bills Nos. 27 and 72, contained in the foregoing message, were severally read a first time, and passed to a second reading on to-morrow.

A message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

House bill No. 31. An act to authorize the issuing of attachments for violation of orders of injunction.

House bill No. 31, contained in the foregoing message, Was read a first time, and passed to a second reading on to-morrow.

A message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

House bill No. 75. An act for the inspection of Petroleum oils for illuminating purposes, making and branding the same, prescribing penalty for selling without inspection, or for falsely branding the cask, package, or barrel containing the same, or for violating any of the provisions of this act ; for the appointment of inspectors and deputies, prescribing duties and terms of office, and imposing penalties for inspectors or deputies trading in any article they are appointed to inspect.

House bill No. 123. An act to amend sections 47 and 49 of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852;

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 75 and 123, contained in the foregoing message, were read a first time, and passed to a second reading on to-morrow.

A message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

House bill No. 147. An act to amend the 655th section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852 ;

In which the concurrence of the Senate is respectfully requested.

House bill No. 147, contained in the foregoing message, was read a first time, and passed to a second reading on to-morrow.

A message from the House :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following engrossed joint resolution thereof, to-wit :

Engrossed House Joint Resolution No. 15. A joint resolution of thanks to the soldiers of Indiana, and providing for the registry and preservation of the names of those who have fallen in the service of their country during the present war ;

In which the concurrence of the Senate is respectfully requested.

House Joint Resolution No. 15, contained in the foregoing message, was read a first time, and passed to a second reading on to-morrow.

A message from the House :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed, with an amendment, engrossed Senate bill No. 24, A bill to provide for the execution of conveyances by county auditors of school lands, where the certificate has not been properly assigned or assignment acknowledged in certain cases.

Amend by inserting in section 1, line 4, after the word "commissioner," the words "or auditor."

On motion by Mr. March,  
The Senate concurred in the amendment of the House.

A message from the House:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following engrossed Senate bill No. 30, A bill to provide for the erection, and repair of any bridge across a stream forming the boundary line between two counties, and to repeal all laws inconsistent therewith, with the following amendment to the title, to-wit:

Insert the word "of" after the word "repair."

On motion by Mr. Gifford,  
The Senate concurred in the amendments of the House.

Leave being granted,

Mr. March introduced

Senate bill No. 149. Entitled an act to prevent the circulation of counterfeit coin, and counterfeit, altered, and worthless bank bills, treasury notes, and postal currency;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Douglass introduced

Senate bill No. 150. An act to amend an act entitled an act to amend section nineteen of an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, &c., approved February 15, 1861;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Ray moved to take from the table the resolutions changing the session hours ;

Which was agreed to.

On motion by Mr. Williams,

The resolution was amended by making the hour of meeting 8½ o'clock, A. M.

On motion by Mr. Wolfe,

Tuesday was stricken out and Wednesday inserted in lieu thereof.

Mr. Brown of Wells made an ineffectual motion to strike out Friday and insert Thursday.

Mr. Blair made an ineffectual motion to strike out Friday and insert Saturday.

Mr. Wright made an ineffectual motion to strike out all that relates to holding night sessions.

The resolution was then adopted.

Leave being granted,

Mr. Brown of Wells introduced

Senate bill No. 151. An act to prohibit clerks of the Circuit Court and Court of Common Pleas, and their deputies, from practicing law, or performing any of the duties of attorneys in any of the courts of which they are clerks;

Which was read a first time, and passed to a second reading on to-morrow.

Leave being granted,

Mr. Cobb introduced

Senate bill No. 152. A bill to amend section nineteen of an act to provide for the opening, vacating, and change of highways, approved June 17, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. New introduced

Senate bill No. 153. A bill to amend section six of "An act to amend an act entitled 'an act to repeal all laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 9, 1859, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, A. D., 1859,'" approved March 1, 1859;

Was read a first time, and passed to a second reading on tomorrow.

On motion by Mr. March,  
House bill No. 109 was taken from the table.

On motion by Mr. March,  
House bill No. 109 was referred to the Committee on Finance.

On motion by Mr. Gifford,  
The Senate adjourned.

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TUESDAY, 9 o'clock, A. M., }  
February 24, 1863. }

The Senate met.

The Journal of Saturday was read and approved.

Mr. Corbin submitted the following report:

MR. PRESIDENT:

The special committee to whom was referred Senate bill No. 109, have had the same under consideration, together with the pro-

posed amendment, and a majority of said committee have instructed me to report the same back, with the recommendation that said bill pass without amendment.

The question being on the adoption of the proposed amendment,

The ayes and noes were demanded by Messrs. Hord and Johnson, and being taken, resulted as follows, ayes 18, nays 22:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Johnson,	Murray,
Beeson,	Davis of Parke,	McClurg,	New,
Berry,	Dickinson,	March,	Pleak, and
Blair,	Gaff,	Melletts,	Wilson—18.
Claypool,	Hord,	Moore,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Gifford,	Shields,
Bearss,	Douglass,	Hartley,	Teegarden,
Bradley,	Dunning,	Jenkins,	White,
Browne of R.,	Ferguson,	Mansfield,	Williams, and
Cobb,	Finch,	Marshall,	Wolfe—22.
Corbin,	Fuller,	Ray,	

So the amendment was rejected, and the report concurred in.

Mr. Claypool introduced

Senate Joint Resolution No. 14, which was read a first time, and passed to a second reading on to-morrow.

Mr. Cobb introduced

Senate bill No. 154. An act to amend sections three, five, and six of an act entitled "an act to provide for the government and discipline of the State Prison, and to repeal an act to provide for the government and discipline of the State Prison, approved March 3, 1855, and all other laws or parts of laws inconsistent herewith," approved February 5, 1857;

Which was read a first time.



Mr. Corbin moved to suspend the rules, that the bill may be read a second time now.

The ayes and noes being taken under a constitutional provision, resulted as follows, ayes 29, noes 11:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Jenkins,	New,
Bradley,	Ferguson,	Johnson,	Pleak,
Browne of R.,	Finch,	McClurg,	Shields,
Claypool,	Fuller,	March,	White,
Cobb,	Gaff,	Marshall,	Williams,
Corbin,	Gifford,	Moore,	Wilson, and
Davis of Cass,	Hartley,	Murray,	Wolfe—29.
Douglass,	Hord,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Berry,	Dickinson,	Ray,
Bearss,	Culver,	Mansfield,	Reed, and
Beeson,	Davis of Parke,	Melletts,	Wright—11.

So the rules were not suspended.

Mr. Bradley introduced

Senate bill No. 155. Entitled a bill requiring all persons hereafter sentenced to confinement in the State Prison, to be conveyed to the State Prison at Jeffersonville, providing for the transfer of convicts from one State Prison to the other, and repealing an act entitled "an act to authorize the removal of convicts from the Southern State Prison to the Northern State Prison, and providing for the employment of convicts in each of said prisons, directing what counties shall send their convicts to the Northern State Prison, and providing for carrying on the work in building said Northern State Prison, and making appropriations for the support of said prison," approved June 1, 1861;

Which was read a first time, and passed to a second reading on to-morrow.

Leave being granted,

Mr. Shields presented a petition from the Treasurer of Jackson county, praying for relief on account of public money stolen from the county safe in October last, &c.

Which was read and referred to a select committee of three, consisting of Messrs. Shields, Mellett and Gaff.

Mr. Reed introduced

Senate bill No. 156. An act to amend the fourth section of an act entitled an act in relation to county auditors, approved May 31, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wolfe introduced

Senate bill No. 157. An act defining the offences of unlawful seizure, arrests, imprisonments and removal of persons in or from this State, prescribing punishment therefor, and declaring when this act shall take effect.

Mr. Wolfe moved to suspend the rules, that the bill may be read a second time now by title only.

The ayes and noes being taken under a constitutional provision, resulted as follows—ayes 34, noes 18.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hartley,	Moore,
Beeson,	Dickinson,	Hord,	Murray,
Berry,	Douglass,	Jenkins,	Ray,
Bradley,	Dunning,	Johnson,	Reed,
Browne of R.,	Ferguson,	McClurg,	Shields,
Brown of Wells,	Finch,	Mansfield,	Williams,
Claypool,	Fuller,	March,	Wilson, and
Cobb,	Gaff,	Marshall,	Wolfe—34.
Corbin,	Gifford,	Mellett,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Pleak,	White, and
Bearss,	New,	Teegarden,	Wright—8.
Culver,			

So the rules were suspended, and Senate bill No. 157 was read the second time by title only, and referred to the Judiciary Committee.

Mr. Ray introduced

Senate bill No. 158. An act to provide for the printing and binding of two thousand copies of the laws passed at the regular session of the General Assembly in the year 1863, in the German language, and for the distribution and sale of the same;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. March introduced

Senate bill No. 159, entitled a bill regulating the fees to be charged for the services of the clerk of the Supreme Court and Circuit Court and county auditors, the disposition to be made of the same, and to repeal all laws inconsistent herewith;

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Hord,

Senate bill No. 23 was taken up, and referred to the Judiciary Committee.

Mr. New introduced

Senate bill No. 160, entitled an act to amend section twelve of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859;

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Williams,

The Senate proceeded to the consideration of Senate bills on their second reading.

Senate bill No. 80. An act to amend the fifth section of "An act to regulate and license the sale of spirituous, vinous, malt,

and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for the violation thereof," approved March 29, 1859;

Was read a third time.

The pending motion being to amend the motion to recommit,

Mr. Beeson moved to lay the motion to recommit on the table.

The ayes and noes were demanded by Messrs. Wolfe and Beeson, and being taken, resulted as follows:

• THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	McClurg,	Reed,
Bearss,	Davis of Parke,	Mansfield,	Teegarden,
Beeson,	Dunning,	March,	White,
Berry,	Ferguson,	Murray,	Williams, and
Browne of R.,	Gaff,	Pleak,	Wright—19.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Hord,	New,
Bradley,	Finch,	Jenkins,	Ray,
Brown of Wells,	Fuller,	Johnson,	Shields,
Cobb,	Gifford,	Marshall,	Wilson, and
Corbin,	Hartley,	Moore,	Wolfe—20.
Davis of Cass,			

So the motion does not lie on the table.

Mr. Beeson moved to lay the bill and pending amendment on the table.

The ayes and noes were demanded by Messrs. Wolfe and Gifford, and being taken, resulted as follows, ayes 24, nays 17:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	March,	Reed,
Bearss,	Dunning,	Marshall,	Shields,
Beeson,	Ferguson,	Melletts,	Teegarden,
Berry,	Gaff,	Murray,	White,

Browne of R.,	McClurg,	New,	Williams, and
Claypool,	Mansfield,	Pleak,	Wright—24.
Culver,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Hartley,	Moore,
Bradley,	Douglass,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Wilson, and
Cobb,	Fuller,	Johnson,	Wolfe—17.
Corbin,	Gifford,		

So the motion was agreed to.

Senate bill No. 98, was read a third time, and,

On motion by Mr. Ferguson,

Was recommitted to the Committee on the Judiciary with instructions to inquire into the expediency of adding the following:

That in all cases where a plank, or turnpike, or gravel road has been made, or shall hereafter be made, from a point in one county to a point in an adjoining county, it shall not be lawful for such company to abandon the portion of the road situated in one of the counties, without the consent of the owners of a majority of the stock held in that county, and in case the portion of the road situated in one of the counties shall have been notoriously out of repair for the space of one year, or shall hereafter be allowed to be so out of repair for the space of one year, without the consent of the holders of a majority of the stock in such county, the citizens of that county shall not, during the time such road may so remain out of repair, be liable to pay toll for the use of the road in either county.

Senate bill No. 111. An act to apportion Senators and Representatives for the next six years.

Mr. Cobb moved a call of the Senate, which was ordered.

The Clerk proceeded with the call, and the following Senators answered to their names:

Messrs.	Davis of Parke,	Hord,	New,
Beeson,	Davis of Cass,	Jenkins,	Pleak,

Berry,	Downey,	Johnson,	Ray,
Bradley,	Dunning,	McClurg,	Reed,
Browne of R.,	Ferguson,	Mansfield,	Shields,
Brown of Wells,	Finch,	March,	White,
Claypool,	Fuller,	Marshall,	Williams,
Cobb,	Gaff,	Melletts,	Wilson,
Corbin,	Gifford,	Moore,	Wolfe, and
Culver,	Hartley,	Murray,	Wright—38.

On motion by Mr. Cobb,

Further proceedings under the call was dispensed with, and the doorkeeper ordered to bring in the absentees.

Mr. Williams asked and obtained leave of absence for Mr. Hoagland until Wednesday night.

Message from the Governor:

MR. PRESIDENT :

I am directed by the Governor to inform your honorable body that he has signed and approved Senate bill No. 6, "an act ceding to the United States of America jurisdiction over certain lands and their appurtenances, in the county of Marion, and reserving the right to serve process thereon, and exempting the same from taxation." Also,

Senate bill No. 20, "an act to amend section 33 of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852. Also,

Senate bill No. 22, "an act to amend the fifty-fourth section of chapter 7, entitled an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852. Also,

Senate bill No. 26, "an act to amend the twelfth section of an act entitled an act touching the relation of guardian and ward," approved June 9th, 1852. Also,



Senate bill No. 32, "an act to provide for the publication of notice of the pendency of suits as against defendants whose residence is unknown," and has caused a copy of the same to be filed in the office of the Secretary of State.

On motion of Mr. Dunning,

(Mr. Reed being in the chair,)

The further consideration of the bill was postponed until to-morrow morning at 9 o'clock, and that it be made the special order for that hour.

Mr. Browne of Randolph offered the following resolution, which, under the rules, lies over for one day.

*Resolved*, That all leaves of absence heretofore granted by the Senate to Senators are hereby revoked, and that hereafter no such leave will be granted, except in case of sickness of such Senator, or some member of his family, and that, in the opinion of the Senate, no private or professional business, however urgent, is a sufficient reason or excuse for a Senator absenting himself from the Senate, and that hereafter a call of the Senate will be made every morning immediately after the reading of the Journal, and the absentees shall then be noted.

Mr. Claypool offered the following resolution:

*Resolved*, That the Committee on Elections be instructed to report to the Senate the result of their deliberations in the contested election between Messrs. Murray and Baker, of the counties of Elkhart and Lagrange, for the action of the Senate.

Pending which,

On motion by Mr. Cobb,

The Senate adjourned.

1½ o'clock, P. M.

Senate met.

Mr. Claypool moved a call of the Senate.

The Clerk then proceeded to call the roll, and the following named Senators answered to their names :

Messrs.	Corbin,	Hartley,	Pleak,
Bearss,	Dickinson,	Hord,	Ray,
Beeson,	Douglass,	Jenkins,	Teegarden,
Bradley,	Dunning,	Johnson,	Wilson,
Browne of R.,	Gaff,	March,	Wolfe, and
Brown of Wells,	Gifford,	Moore,	Wright—25.
Claypool,	Grubb,		

On motion by Mr. Browne of Randolph,

A further call of the Senate was dispensed with.

Senate bill No. 150. A bill to amend an act entitled "an act to amend section 19 of an act to fix the time of holding the Common Pleas Courts in the several counties of the State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms," &c., approved February 15, 1861;

Was read a second time.

The question being shall the bill be engrossed for a third reading on to-morrow ?

The ayes and noes were demanded by Messrs. Browne of Randolph and Beeson, and being taken, resulted as follows: Ayes 34, noes none.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Gifford,	New,
Bearrs,	Dickinson,	Grubb,	Pleak,

Beeson,	Douglass,	Hartley,	Ray,
Bradley,	Downey,	Hord,	Teegarden,
Browne of R.,	Dunning,	Jenkins,	Williams,
Brown of Wells,	Ferguson,	Johnson,	Wilson,
Claypool,	Finch,	March,	Wolfe, and
Cobb,	Fuller,	Mellett,	Wright—34.
Corbin,	Gaff,	Moore,	

Nays none.

So the bill was ordered to be engrossed.

The Senate resumed the consideration of the question pending at the time of the adjournment, it being the resolution offered by Mr. Claypool, instructing the Committee on Elections to report the results of their deliberations in the contested election between Messrs. Murray and Baker.

Mr. Cobb moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Bearss and Claypool, and being taken, resulted as follows: Ayes 19, noes 13.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Gaff,	Johnson,
Bradley,	Downey,	Gifford,	Moore,
Brown of Wells,	Dunning,	Hartley,	Williams,
Cobb,	Ferguson,	Hord,	Wilson, and
Corbin,	Finch,	Jenkins,	Wolfe—19.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Grubb,	Pleak,
Bearss,	Davis of Cass,	March,	Ray,
Beeson,	Dickinson,	Mellett,	Teegarden, and
Browne of R.,	Fuller,	New,	Wright—13.

So the motion lies on the table.

Senate bill No. 149. A bill to prevent the circulation of counterfeit coin, and counterfeit, altered, and worthless bank bills, treasury notes and postal currency;

Was read a second time.

Mr. Claypool moved to amend as follows:

Amend by inserting the word "sufficient" in the proper place, so as to make the Auditor and Treasurer liable for stamping any genuine bill as a counterfeit, as is provided in the case of bankers.

On motion by Mr. March,

The bill and pending amendment were referred to the Judiciary Committee.

Senate bill No. 153. Entitled a bill to amend section nineteen of an act entitled an act to provide for the opening, vacating, and change of highways, approved June 17, 1852;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 151. Entitled an act to prohibit clerks of the Circuit Court, and Courts of Common Pleas, and their deputies, from practicing law, or performing any of the duties of attorneys in any of the courts of which they are clerks.

Mr. Bearss moved to amend by striking out deputy.

On motion by Mr. Dunning,

The bill and pending amendments were referred to the Committee on the Judiciary.

Senate bill No. 153. A bill to amend section six of an act to amend an act entitled an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertains thereto, approved March 9, 1857, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, 1859, approved March 1, 1859;

Which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Corbin asked leave of absence for the Committee on Benevolent Institutions this afternoon.

The ayes and noes were demanded by Messrs. Moore and Claypool, and being taken, resulted as follows, ayes 22, nays 18:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Johnson,	New,
Bearss,	Dunning,	McClurg,	Pleak,
Beeson,	Ferguson,	Mansfield,	Teegarden,
Claypool,	Finch,	March,	Wilson, and
Corbin,	Gifford,	Melletts,	Wright—22.
Davis of Parke,	Grubb,	Murray,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Hartley,	Ray,
Bradley,	Douglass,	Hord,	Shields,
Browne of R.,	Downey,	Jenkins,	Williams, and
Brown of Wells,	Fuller,	Marshall,	Wolfe—18.
Cobb,	Gaff,	Moore,	

So the committee were granted leave of absence.

Mr. Brown of Wells asked and obtained leave of absence for a short time for the select committee investigating the Quartermaster's Department.

Mr. Moore moved that the Senate adjourn.

The ayes and noes were demanded by Messrs. Bearss, Beeson, Claypool, Brown of Randolph, and March, with the following result:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Culver,	Grubb,	Moore,
Bearss,	Davis of Parke,	Mansfield,	New, and
Beeson,	Finch,	Melletts,	Wright—13.
Claypool,	Fuller,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Jenkins,	Pleak,
Bradley,	Downey,	Johnson,	Ray,
Browne of R.,	Dunning,	Landers,	Shields,
Brown of Wells,	Ferguson,	McClurg,	Teegarden,
Cobb,	Gaff,	March,	Williams,

Corbin,	Gifford,	Marshall,	Wilson, and
Davis of Cass,	Hartley,	Murray,	Wolfe—29.
Dickinson,	Hord,		

So the Senate refused to adjourn.

Senate bill No. 79. A bill to protect the liberty of the press, declaring certain acts infringing the liberty of the press to be felonious, and prescribing punishment therefor, and providing compensation to persons whose property is injured or destroyed by mob violence in certain cases, and declaring when this act shall take effect, being the special order for this hour, it was taken up.

The question being on the pending amendment, to strike out the second section,

Mr. March moved to postpone the further consideration of the subject until 2 o'clock, P. M., on to-morrow.

Mr. Ray demanded a call of the Senate.

The clerk proceeded to call the roll of the Senate, and the following Senators answered to their names:

Messrs.	Douglass,	Jenkins,	Pleak,
Bearss,	Dunning,	Johnson,	Ray,
Beeson,	Ferguson,	Landers,	Reed,
Bradley,	Finch,	McClurg,	Shields,
Browne of R.,	Fuller,	Mansfield,	Teegarden
Claypool,	Gaff,	March,	Williams,
Culver,	Gifford,	Marshall,	Wilson,
Davis of Parke,	Grubb,	Mellett,	Wolfe, and
Davis of Cass,	Hartley,	Moore,	Wright—38.
Dickinson,	Hord,	Murray,	

Mr. Dickinson made an ineffectual motion to dispense with further proceedings under the call of the Senate.

Mr. Hord made an ineffectual motion to dispense with further proceedings under the call.

On motion by Mr. Browne of Randolph,  
Further proceedings under the call were dispensed with.



A message from the House :

MR. PRESIDENT :

I am directed to transmit to the Senate the following enrolled act of the House, to-wit :

House Enrolled Act No. 44. An act to amend the sixth section of an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859;

Which has received the signature of the Speaker of the House, and is respectfully submitted for the signature of the President of the Senate.

The President thereupon affixed his signature to the enrolled act No. 44, contained in the foregoing message.

The question being on striking out the second section of the bill,

The ayes and noes were demanded by Messrs. Browne of Randolph and Claypool, and being taken, resulted as follows, ayes 15, nays 24 :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Browne of R.,	Grubb,	Pleak,
Bearss,	Claypool,	March,	Reed,
Beeson,	Dickinson,	Melletts,	White, and
Berry,	Downey,	New,	Wright—15.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Ferguson,	Jenkins,	Murray,
Bradley,	Finch,	Johnson,	Ray,
Brown of Wells,	Fuller,	Landers,	Shields,
Cobb,	Gaff,	McClurg,	Williams,
Davis of Cass,	Hartley,	Marshall,	Wilson, and
Douglass,	Hord,	Moore,	Wolfe—24.
Dunning,			

So the amendment was rejected.

Mr. Claypool moved to amend as follows :

Add, after the words "printing press," the words "or any other property."

Amend further, by adding, in the proper place, the following :

"That if any person shall recover a judgment against the proprietor of any printing press for libel or slander, made through such press, and such judgment cannot be made by execution against such press, or the proprietor thereof, then and in that event such judgment shall be paid out of the treasury of the county in which such press is situated."

Mr. Wolfe moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Claypool and March, and being taken, resulted as follows, ayes 25, nays 13 :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Jenkins,	Murray,
Bradley,	Ferguson,	Johnson,	Ray,
Brown of Wells,	Finch,	Landers,	Shields,
Cobb,	Fuller,	McClurg,	Williams,
Davis of Cass,	Gaff,	Marshall,	Wilson, and
Douglass,	Hartley,	Moore,	Wolfe—25.
Downey,	Hord,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	March,	Pleak,
Bearss,	Claypool,	Melletts,	White, and
Beeson,	Dickinson,	New,	Wright—13.
Berry,	Grubb,		

So the amendment lies on the table.

Mr. March offered the following amendment :

In the first section, after the first word, newspaper, insert the following :

“Or who shall injure the person or property of any person on account of any thing said by him in a public speech.”

In the second section, after the word destroyed, in second line, insert the following: “or whose person has been injured.”

Mr. Browne of Randolph moved to amend the amendment as follows :

Sec. 2. That in case a Democratic printing press is destroyed by mob violence, the Republicans and unconditional Union men of the city, or town, or county wherein the same is destroyed, shall be liable for the damages thus done, and in case an Abolition, Republican, or unconditional Union press is destroyed by such violence, the Democrats of such city, town or county, shall be responsible for such damages. The said damages may be recovered in an action of debt, to be brought in the name of the owner or owners of the press as plaintiff, and against the political party as aforesaid, by name, as defendant.

Mr. Cobb moved to lay the amendment and amendment to the amendment, on the table.

Mr. March demanded a division of the question.

Leave being granted,

Mr. Dunning, (Mr. Johnson being in the chair,) presented the petition of James Morrison and Charles A. Ray, which, without reading, was referred to the Committee on Claims.

Mr. Claypool made an ineffectual motion to adjourn.

The question being on laying the amendment to the amendment on the table,

The ayes and noes were demanded by Messrs. Bearss and Claypool, and being taken, resulted as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Jenkins,	Ray,
Berry,	Ferguson,	Johnson,	Reed,
Bradley,	Finch,	Landers,	Shields,

Brown of Wells,	Fuller,	McClurg,	White,
Cobb,	Gaff,	Marshall,	Williams,
Davis of Cass,	Hartley,	Moore,	Wilson, and
Douglass,	Hord,	Murray,	Wolfe—28.
Downey,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Grubb,	New,
Bearss,	Claypool,	March,	Pleak, and
Beeson,	Dickinson,	Mellett,	Wright—11.

So the amendment to the amendment lies on the table.

The question being on laying the amendment on the table,

The ayes and noes were demanded by Messrs. March and Claypool, and taken with the following result:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Jenkins,	Murray,
Bradley,	Ferguson,	Johnson,	Ray,
Brown of Wells,	Finch,	Landers,	Shields,
Cobb,	Fuller,	McClurg,	Williams,
Davis of Cass,	Gaff,	Marshall,	Wilson, and
Douglass,	Hartley,	Moore,	Wolfe—25.
Downey,	Hord,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	March,	Reed,
Bearss,	Claypool,	Mellett,	White, and
Beeson,	Dickinson,	New,	Wright—14.
Berry,	Grubb,	Pleak,	

So the amendment was laid on the table.

Mr. March moved to lay the bill on the table.

The ayes and noes were demanded by Messrs. March and Claypool, with the following result:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Browne of R.,	Grubb,	Pleak,
Bearss,	Claypool,	March,	Reed,
Beeson,	Dickinson,	Mellet,	White, and
Berry,	Downey,	New,	Wright—15.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Ferguson,	Jenkins,	Murray,
Bradley,	Finch,	Johnson,	Ray,
Brown of Wells,	Fuller,	Landers,	Shields,
Cobb,	Gaff,	McClurg,	Williams,
Davis of Cass,	Hartley,	Marshall,	Wilson, and
Douglass,	Hord,	Moore,	Wolfe—24.
Dunning,			

So the motion was rejected.

The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Brown of Wells (leave being granted,) offered the following resolutions:

*Resolved*, That the Committee on Federal Relations, to which was referred Senate joint resolution No. 6, entitled a joint resolution proposing a general convention of all the States in the Federal Union, including the so-called Confederate States, with a view to the restoration of the Union, with all the dignity, equality and rights of the several States unimpaired, is hereby instructed to report to the Senate on next Saturday morning, the 28th inst., the said joint resolution, with such amendment or amendments, if any shall be necessary, as shall make the said joint resolution embrace the following propositions:

1st. An endorsement of the following language: "Suppose you go to war, you can not fight always, and when, after much loss on both sides, and no gain on either, you cease fighting, the old identical question as to terms of intercourse are again upon you.

2d. Asking the Chief Executive of the nation to establish an armistice with a view to holding a convention of all the States, in-

cluding the so-called Confederate States, for the restoration of the Union, with all the dignity, equality and rights of the several States unimpaired.

3d. Asking the present Congress to provide for such convention.

4th. Inviting each and every State in the Federal Union, including the so-called Confederate States, in the event of the present Congress failing to provide for such convention to meet Indiana in such convention at Louisville, Kentucky, on the first day of June, or not later than the fourth day of July, 1863, with a view to the restoration of the Union, with all the dignity, equality and rights of the several States unimpaired, and providing that, should not three-fourths of all of said States send delegates to said convention, for the reservation to Indiana of the right to withdraw from such convention at pleasure, and to consider the action of such convention as of no binding force and effect.

5th. Providing for the election from the State at large of delegates to represent Indiana in such convention.

On motion by Mr. Brown of Wells,

The resolutions were made the special order for 2 o'clock to-morrow afternoon.

On motion by Mr. Williams,

The following message from the House was taken up:

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

House bill No. 94. An act to enable railroad companies incorporated by other States, with their termini at the boundary line of this State, to acquire the right of way and make connections in this State, and also to acquire the necessary grounds for depots and other buildings, and for machine shops, stock yards, tracks, crossings, and sidings within this State.

In which the concurrence of the Senate is respectfully requested.

The House bill No. 94, contained in the foregoing message, was read a first time.



Mr. Williams moved that the rules be suspended, and that the bill be read a second time now.

The ayes and noes being taken under the Constitution,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hartley,	Moore,
Beeson,	Douglass,	Hord,	Murray,
Berry,	Downey,	Jenkins,	New,
Bradley,	Dunning,	Johnson,	Pleak,
Browne of R.,	Ferguson,	Landers,	Ray,
Brown of Wells,	Finch,	McClurg,	Reed,
Claypool,	Fuller,	March,	White,
Cobb,	Gaff,	Marshall,	Williams, and
Davis of Cass,	Grubb,	Melletts,	Wolfe—35.

Noes none.

So the rules were suspended.

The bill was read a second time, by title only, and ordered to be engrossed for a third reading on to-morrow.

On motion by Mr. Claypool,

The Senate adjourned.

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WEDNESDAY, 8½ o'clock, A. M., }  
February 25, 1863. }

Senate met.

Mr. Cobb demanded a call of the Senate.

The Clerk proceeded to call the roll, and the following named Senators answered to their names:

Messrs.	Davis of Cass,	Grubb,	Pleak,
Bearss,	Douglass,	Hartley,	Ray,
Beeson,	Downey,	Hord,	Reed,
Bradley,	Dunning,	Jenkins,	Shields,
Browne of R.,	Ferguson,	Johnson,	Teegarden,
Brown of Wells,	Finch,	Landers,	Williams,
Cobb,	Fuller,	McClurg,	Wilson,
Corbin,	Gaff,	Moore,	Wolfe, and
Davis of Parke,	Gifford,	Murray,	Wright—33.

On motion by Mr. Cobb,

The names of the absentees were ordered to be placed on the Journal.

THOSE ABSENT WERE—

Messrs.	Campbell,	Graves,	Melletts,
Berry,	Claypool,	March,	New, and
Blair,	Culver,	Marshall,	White—12.

A quorum appearing, the President ordered the reading of the Journal of yesterday.

Before the reading was completed,

On motion by Mr. Gifford,

Its further reading was dispensed with.

Senate bill No. 111. A bill to apportion Senators and Representatives for the next six years, being the special order for this hour, was taken up.

Mr. Dunning, (Mr. Shields in the chair,) moved to re-commit the bill with the following instructions :

Amend the bill so as to give Monroe and Brown each one Representative in the year 1868, and so as to give Martin and Lawrence one jointly in the year 1868, instead of one each.

Mr. Landers moved to amend the amendment as follows :

By taking the joint Representative which, by an amendment, was taken from Johnson and Morgan.

Mr. Dunning moved to lay this amendment on the table.

The ayes and noes were demanded by Messrs. Dunning and Landers, and being taken, resulted as follows: Ayes 41, noes 2.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hord,	Pleak,
Beeson,	Dickinson,	Jenkins,	Ray,
Berry,	Douglass,	Johnson,	Reed,
Blair,	Downey,	McClurg,	Shields,
Bradley,	Dunning,	Mansfield,	Teegarden,
Browne of R.,	Ferguson,	March,	White,
Brown of Wells,	Finch,	Melletts,	Williams,
Claypool,	Fuller,	Moore,	Wilson,
Cobb,	Gifford,	Murray,	Wolfe, and
Corbin,	Grubb,	New,	Wright—41.
Davis of Parke,	Hartley,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Gaff, and	Landers—2.
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So the amendment to the amendment was laid on the table.

Mr. Landers moved to lay the motion to recommit with instruction on the table.

The ayes and noes were demanded by Messrs. Dunning and Landers, and being taken, resulted as follows: Ayes 23, noes 21.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hartley,	Ray,
Bradley,	Douglass,	Hord,	Shields,
Brown of Wells,	Downey,	Johnson,	Williams,
Cobb,	Finch,	Landers,	Wilson, and
Corbin,	Fuller,	McClurg,	Wolfe—23.
Davis of Cass,	Gaff,	Murray,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Mansfield,	Pleak,
Bearss,	Davis of Parke,	March,	Reed,

Beeson,	Dunning,	Mellett,	Teegarden,
Berry,	Ferguson,	Moore,	White, and
Blair,	Gifford,	New,	Wright—21.
Browne of R.,	Grubb,		

So the motion to recommit was laid on the table.

Mr. Wright moved to recommit the bill with the following instructions:

Amend second section so as to give Lake one; Pulaski, Jasper and Newton one; White and Benton one, and strike Benton from Warren; also strike the joint Representative from Morgan and Johnson.

Mr. Landers moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Beeson and Mansfield, and being taken, resulted as follows: Ayes 24, noes 20.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Finch,	Jenkins,	Murray,
Bradley,	Fuller,	Johnson,	Ray,
Brown of Wells,	Gaff,	Landers,	Shields,
Cobb,	Gifford,	McClurg,	Williams,
Corbin,	Hartley,	Marshall,	Wilson, and
Davis of Cass,	Hord,	Moore,	Wolfe—24.
Douglass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Grubb,	Pleak,
Bearss,	Davis of Parke,	Mansfield,	Reed,
Beeson,	Dickinson,	March,	Teegarden,
Berry,	Downey,	Mellett,	White, and
Blair,	Dunning,	New,	Wright—21.
Browne of R.,	Ferguson,		

So the motion lies on the table.

Mr. Ferguson moved to recommit the bill with the following instructions:

Amend so as to give Putnam county the election of two Repre-

sentatives in the years 1864 and 1868, and Clarke one for the same period, and in the year 1866 Putnam one and Clarke two.

Mr. Johnson moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Johnson and Hord, and being taken, resulted as follows: Ayes 25, noes 20.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hord,	Moore,
Bradley,	Downey,	Jenkins,	Murray,
Brown of Wells,	Finch,	Johnson,	Ray,
Cobb,	Fuller,	Landers,	Shields,
Corbin,	Gaff,	McClurg,	Williams, and
Davis of Cass,	Gifford,	Marshall,	Wilson—25.
Dickinson,	Hartley,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Grubb,	Pleak,
Bearss,	Culver,	Mansfield,	Reed,
Beeson,	Davis of Parke,	March,	Teegarden,
Berry,	Dunning,	Melletts,	Wolfe, and
Blair,	Ferguson,	New,	Wright—20.
Browne of R.,			

So the motion lies on the table.

Mr. Browne of Randolph moved to recommit the bill with the following instructions:

- 1st. Making Jay and Randolph counties a Senatorial District.
- 2d. Giving Jay a Representative.
- 3d. Giving Randolph a Representative.
- 4th. Giving Wells and Adams a Representative jointly, and one Senator.
- 5th. Giving Blackford and Delaware a Representative jointly.

Mr. Brown of Wells moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. March and Beeson, and taken with the following result:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Finch,	Jenkins,	Murray,
Bradley,	Fuller,	Johnson,	Ray,
Brown of Wells,	Gaff,	Landers,	Shields,
Cobb,	Gifford,	McClurg,	Williams,
Corbin,	Hartley,	Marshall,	Wilson, and
Davis of Cass,	Hord,	Moore,	Wolfe—24.
Douglass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Ferguson,	Pleak,
Bearss,	Culver,	Grubb,	Reed,
Beeson,	Davis of Parke,	Mansfield,	Teegarden,
Berry,	Dickinson,	March,	White, and
Blair,	Downey,	Mellet,	Wright—22.
Browne of R.,	Dunning,	New,	

So the motion was laid on the table.

Mr. Ray demanded the previous question.

The ayes and noes were demanded by Messrs. Bearss and Beeson, and being taken, resulted as follows—ayes 26, noes 20 :

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hartley,	Moore,
Bradley,	Downey,	Hord,	Murray,
Brown of Wells,	Dunning,	Jenkins,	Ray,
Cobb,	Finch,	Johnson,	Shields,
Corbin,	Fuller,	Landers,	Williams, and
Davis of Cass,	Gaff,	McClurg,	Wilson—26.
Dickinson,	Gifford,	Marshall,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Mansfield,	Reed,
Bearss,	Culver	March,	Teegarden,
Beeson,	Davis of Parke,	Mellet,	White,
Berry,	Ferguson,	New,	Wolfe, and
Blair,	Grubb,	Pleak,	Wright—20.
Brownie of R.,			



So the Senate seconded the demand.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hord,	Murray,
Bradley,	Downey,	Jenkins,	Ray,
Brown of Wells,	Finch,	Johnson,	Shields,
Cobb,	Fuller,	Landers,	Williams,
Corbin,	Gaff,	McClurg,	Wilson, and
Davis of Cass,	Gifford,	Marshall,	Wolfe—26.
Dickinson,	Hartley,	Moore,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Davis of Parke,	Ferguson, and
Berry,	Claypool,	Dunning,	Reed—7.

Mr. Mellett was present in the lobby of the Senate Chamber when the vote was taken, and he failed to vote when his name was called.

On motion by Mr. Cobb,  
A call of the Senate was ordered.

The call being proceeded with, the following Senators answered to their names:

Messrs.	Davis of Parke,	Gifford,	Moore,
Berry,	Dickinson,	Hartley,	Murray,
Bradley,	Douglass,	Hord,	Ray,
Browne of R.,	Downey,	Jenkins,	Reed,
Brown of Wells,	Dunning,	Johnson,	Shields,
Claypool,	Ferguson,	Landers,	Williams,
Cobb,	Finch,	McClurg,	Wilson, and
Corbin,	Fuller,	Marshall,	Wolfe—33.
Davis of Cass,	Gaff,		

On motion by Mr. Brown of Wells,  
Further proceedings under the call was dispensed with.

On motion by Mr. Cobb,

The absentees were sent for, and their names ordered to be spread on the journal :

THOSE ABSENT WERE—

Messrs.	Campbell,	Mansfield,	Pleak,
Bearss,	Culver,	March,	Teegarden,
Beeson,	Graves,	Melletts,	White, and
Blair,	Grubb,	New,	Wright—15.

Mr. Landers, from the Military Committee, submitted the following report :

MR. PRESIDENT :

The Military Committee, to which was referred Senate bill No. 143, have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendments, and when so amended to recommend its passage :

In the thirteenth line, strike out the word "misdemeanor," and insert the word "felony."

In the second line, third page, strike out "high misdemeanor," and insert "felony."

Add to the first section : *Provided*, that the arrest and removal of any deserter from the United States army, or of any soldier or officer of the army, for any alleged violation of the articles of war, or other military regulations in force in the army, shall not be a violation of this act.

On motion by Mr. Ray,  
The bill and report was laid on the table.

Mr. Claypool moved to correct the tally paper, recording the vote taken on the passage of the apportionment bill No. 111, by taking from the list the name of Senator Wright, who was not in the House when the vote was had.

Mr. Ray offered the following amendment :

Amend by allowing the Senator from Jasper to correct his vote, and that the Journal show that the Senator from Jasper bolted

before his name was called, and was not in this chamber when called, and that the Senator from Henry was, when the roll was called, inside the Senate Chamber, that his name was called and that he failed to vote.

Mr. Browne of Randolph moved to amend the amendment as follows :

Amend by inserting (after striking out all that relates to the Senator from Henry,) "the Senator from Henry, Hon. Joshua H. Mellett, was present, but was without the bar of the Senate, in that portion of the room denominated the lobby."

Mr Ray moved to lay this amendment on the table.

The ayes and nays were demanded by Messrs. Bearss and Corbin, and being taken, resulted as follows, ayes 23, noes 20 :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hord,	Moore,
Bradley,	Finch,	Jenkins,	Murray,
Brown of Wells,	Fuller,	Johnson,	Ray,
Cobb,	Gaff,	Landers,	Williams,
Corbin,	Gifford,	McClurg,	Wilson, and
Davis of Cass,	Hartley,	Marshall,	Wolfe—23.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Culver,	Ferguson,	Pleak,
Bearss,	Davis of Parke,	Mansfield,	Reed,
Berry,	Dickinson,	March,	Shields,
Blair,	Downey,	Mellett,	White, and
Browne of R.,	Dunning,	New,	Wright—20.
Claypool,			

So the amendment to the amendment was laid on the table.

Mr. Wolfe offered the following amendment, which was accepted by Mr. Ray, and agreed to by the Senate :

*Resolved*, That upon the vote taken upon the question of the passage of Senate bill No. 111, the Senator from Jasper is recorded

by the Secretary as being present and voting in the negative, and the said Senator afterwards states to the Senate that he was not in the Senate Chamber when the vote was taken.

It is therefore ordered that the record be corrected so as to show that the Senator from Jasper was not present, and did not vote on said question.

That upon the question of the passage of the same bill, the Senator from Henry, the record does not show that he was present and failed to vote when his name was called. The fact being that said Senator was present in the lobby of the Senate Chamber when the vote was taken, and he failed to vote when his name was called.

It is ordered that the record be corrected by showing that fact.

Mr. Johnson offered the following resolution, which was adopted:

*Resolved*, That the House be requested to return to the Senate instantan, Senate bill No. 111, and that the Secretary be instructed to inform the House of the passage of this resolution.

On motion by Mr. Wolfe,  
The Senate adjourned.

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1½ O'CLOCK, P. M.

The Senate met.

On motion by Mr. Brown of Wells,

A call of the Senate was ordered, and the following Senators answered to their names:

Messrs.	Dunning,	Hartley,	Ray,
Bradley,	Ferguson,	Hord,	Shields,
Brown of Wells,	Finch,	Jenkins,	Teegarden,
Corbin,	Gaff,	Johnson,	Williams,
Dickinson,	Gifford,	Murray,	Wilson, and
Douglass,	Graves,	Pleak,	Wright—24.
Downey,			

Mr. Gifford made an ineffectual motion to dispense with further proceedings under the call.

A message from the House:

MR. PRESIDENT:

I am directed by the House, to return to the Senate, in obedience to a resolution thereof, Senate bill No. 111, entitled "a bill to apportion Senators and Representatives for the next six years," which bill is herewith returned.

Mr. Mellett asked and obtained leave of absence for Mr. Beeson for this afternoon.

A quorum appearing,

Mr. Bradley submitted the following report,  
Which was concurred in.

MR. PRESIDENT:

The Committee on Finance, to whom was referred "A bill to provide for the prompt payment of the officers and soldiers in the army of the United States, raised and organized in the State of Indiana, and to provide means for that purpose," have had the same under consideration, and have instructed me to report the same back with the following amendments, and, when adopted, recommend its passage:

Amend preamble as follows:

Insert after the word "whereas," the following words: "it is represented by the Governor," &c.

Insert in section one, after the words "sum of," the word "two," instead of "five."

Strike out, in the same section, at the end of the eighth line, the words "or hereafter."

Insert in section two, first line, after the word "Governor," the words "Treasurer and Auditor," and in the same line insert "are," for the word "is," and in the second line of the same section strike out the word "his" and insert "their."

Insert in the same section, after the word "Government," the words, "and the officers thus appointed to act for the State of Indiana."

Insert at the end of the third section, after the word "required," the following: "*Provided*, That in order to save interest to the State and the General Government, and other expenses incident to making a loan, no money shall be borrowed on the credit of this State, under the provisions of this act, till the proper department at Washington shall have notified the officers named in the second section of this act, that the same is needed to enable the General Government to fulfil its obligations to the soldiers of Indiana now in the field, the intent and meaning of this act being to provide for the payment of the volunteers from Indiana, in case the General Government shall fail to do so."

The special order coming up, being Mr. Brown of Wells' resolution of yesterday afternoon, calling upon the Committee on Federal Relations to report back Senate joint resolution No. 6, next Saturday,

Mr. Shields moved to refer the resolution to the Committee on Federal Relations.

The ayes and noes were demanded by Messrs. March and Brown of Wells, and being taken, resulted as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Grubb,	Ray,
Bearss,	Dickinson,	Jenkins,	Reed,
Berry,	Downey,	McClurg,	Shields,
Blair,	Ferguson,	Mansfield,	Teegarden,
Bradley,	Finch,	March,	White,
Claypool,	Gaff,	Melletts,	Williams,
Cobb,	Gifford,	New,	Wolfe, and
Culver,	Graves,	Pleak,	Wright—32.
Davis of Parke,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Dunning,	Johnson,	Moore,
Brown of Wells,	Fuller,	Landers,	Murray, and
Corbin,	Hartley,	Marshall,	Wilson—13.
Douglass,	Hord,		



So the resolution was referred to the Committee on Federal Relations.

Mr. Downey offered the following amendment to Senate bill No. 106, which was adopted :

“If the amount hereby appropriated shall not be sufficient to pay all the Indiana troops the whole amount due to them, then the same shall be paid to them so that each regiment shall receive its proportionate part thereof.”

Mr. Cobb moved to amend by inserting in the third line of the first section, before the word “officers,” the word “non-commissioned.”

Mr. Bradley made an ineffectual demand for the previous question.

Mr. Shields demanded the previous question, which was sustained by the Senate.

The first question being on Mr. Cobb's amendment,

The ayes and noes were demanded by Messrs. Cobb, and Claypool, and being taken, resulted as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Fuller,	Landers,	Shields,
Cobb,	Jenkins,	Marshall,	Wilson, and
Douglass,	Johnson,	Moore,	Wolfe—11.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Grubb,	New,
Bearss,	Dickinson,	Hartley,	Pleak,
Berry,	Downey,	Hord,	Ray,
Blair,	Dunning,	McClurg,	Reed,
Brown of Wells,	Ferguson,	Mansfield,	Teegarden,
Browne of R.,	Finch,	March,	White,
Claypool,	Gaff,	Mellett,	Williams, and
Corbin	Gifford,	Murray,	Wright—33.
Culver,	Graves,		

So the amendment was rejected.

Mr. Corbin moved to reconsider the vote just taken.

Mr. March moved to lay this motion on the table, which was agreed to.

The bill was then ordered to be engrossed for a third reading on to-morrow.

On motion by Mr. Cobb,

Senate bill No. 111, an act to apportion Senators and Representatives for the next six years, was taken up.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hord,	Murray.
Bradley,	Downey,	Jenkins,	Ray,
Brown of Wells,	Finch,	Johnson,	Shields,
Cobb,	Fuller,	Landers,	Williams,
Corbin,	Gaff,	McClurg,	Wilson, and
Davis of Cass,	Gifford,	Marshall,	Wolfe—26.
Dickinson,	Hartley,	Moore,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Culver,	Mansfield,	Reed,
Berry,	Dunning,	March,	White, and
Blair,	Ferguson,	Melletts,	Wright—18.
Browne of R.,	Graves,	New,	

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Ray submitted the following report, which was concurred in.

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 114, in relation to arbitrary arrests, have had the same un-

der consideration, and have instructed me to report the same back to the Senate with the following amendments, and when so amended, that it pass, viz :

In the sixth line, page third, after the word "arrest," insert these words, to-wit: "Or aid or abet in forcibly and unlawfully taking or arresting."

Also, in line ten, after the word "person," on same page, insert these words, viz: "According to the laws of this State, or of the United States, shall."

Also, in line eight, page four, after the word "arrest," insert these words, to-wit: "Or aid or abet in forcibly and unlawfully taking or arresting."

Also, in line eleven, same page, after the word "person," insert these words, viz: "According to the laws in this State, or of the United States, shall."

Also strike out the third specification, on page No. 5.

Also, in line eleven, page four, strike out all after the word "kidnapping," on said page.

Also, in line first, page sixth, strike out the word "felony," and insert the word "kidnapping."

Also, in line ninth, page sixth, after the word "county," insert the words "into or."

Also, strike out all after the word "detention," in second line, seventh page, eighth page, and on the last page, and insert the following emergency clause, viz:

WHEREAS, An emergency exists for the immediate taking effect of this act, it is therefore declared to take effect and be in force from and after its passage and publication in the *Daily State Sentinel* and *Indianapolis Daily Journal*.

Mr. Wolfe moved that the previous order of business be suspended, and that Senate bill No. 79 be taken up. A bill to protect the liberty of the press, declaring certain acts infringing the liberty

of the press to be felonious, and prescribing punishment therefor, and providing compensation to persons whose property is injured or destroyed by mob violence, in certain cases, and declaring when this act shall take effect.

The ayes and noes were demanded by Messrs. Claypool and March, and being taken, resulted as follows: Ayes 25, noes 17.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Jenkins,	Murray,
Bradley,	Ferguson,	Johnson,	Ray,
Brown of Wells,	Finch,	Landers,	Shields,
Cobb,	Gaff,	McClurg,	Williams,
Corbin,	Gifford,	Marshall,	Wilson, and
Davis of Cass,	Hartley,	Moore,	Wolfe—25.
Douglass,	Hord,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Mansfield,	Pleak,
Bearss,	Dickinson,	March,	Reed,
Berry,	Downey,	Mellett,	Teegarden, and
Blair,	Graves,	New,	White—17.
Browne of R.,	Grubb,		

So the motion was agreed to.

Mr. Mellett moved to recommit the bill with the following instruction:

Add to the second section: "And provided further, that it shall be proved to the satisfaction of the court or jury trying the case, that such papers has not published any treasonable or disloyal article or sentiment."

The ayes and noes were demanded by Messrs. March and Mellett and taken with the following result:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	March,	Reed,
Bearss,	Dickinson,	Mellett,	Teegarden,

Berry,	Grubb,	New,	White, and
Blair,	Mansfield,	Pleak,	Wright—16.
Browne of R.,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Hord,	Murray,
Bradley,	Dunning,	Jenkins,	Ray,
Brown of Wells,	Finch,	Johnson,	Shields,
Cobb,	Gaff,	Landers,	Williams,
Corbin,	Gifford,	McClurg,	Wilson, and
Davis of Cass,	Graves,	Marshall,	Wolfe—26.
Douglass,	Hartley,	Moore,	

So the motion was rejected.

Mr. Landers demanded the previous question.

The ayes and noes were demanded by Messrs. Mellett and Cobb, and being taken, resulted as follows: Ayes 26, noes 16.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Downey,	Hord,	Murray,
Bradley,	Dunning,	Jenkins,	Ray,
Brown of Wells,	Finch,	Johnson,	Shields,
Cobb,	Gaff,	Landers,	Williams,
Corbin,	Gifford,	McClurg,	Wilson, and
Davis of Cass,	Graves,	Marshall,	Wolfe—26.
Douglass,	Hartley,	Moore,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	March,	Reed,
Bearss,	Dickinson,	Mellett,	Teegarden,
Berry,	Grubb,	New,	White, and
Blair,	Mansfield,	Pleak,	Wright—16.
Browne of R.,			

So the Senate seconded the demand for the previous question.

The bill was read a third time.

Mr. Cobb demanded the previous question.

The ayes and noes were demanded by Messrs. Mellett and Cobb, and being taken, resulted as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hord,	Murray,
Bradley,	Ferguson,	Jenkins,	Ray,
Cobb,	Finch,	Johnson,	Shields,
Corbin,	Gaff,	Landers,	Williams,
Davis of Cass,	Gifford,	McClurg,	Wilson, and
Douglass,	Graves,	Marshall,	Wolfe—26.
Downey,	Hartley,	Moore,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Mansfield,	Pleak,
Bearss,	Claypool,	March,	Reed,
Berry,	Dickinson,	Mellett,	Teegarden, and
Blair,	Grubb,	New,	White—15.

So the demand for the previous question was sustained.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hord,	Murray,
Bradley,	Ferguson,	Jenkins,	Ray,
Brown of Wells,	Finch,	Johnson,	Shields,
Cobb,	Gaff,	Landers,	Williams,
Corbin,	Gifford,	McClurg,	Wilson, and
Davis of Cass,	Graves,	Marshall,	Wolfe—26.
Douglass,	Hartley,	Moore,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	March,	Reed,
Bearss,	Dickinson,	Mellett,	Teegarden,
Berry,	Downey,	New,	White, and
Blair,	Grubb,	Pleak,	Wright—17.
Browne of R.,	Mansfield,		

So the bill passed.



*Ordered*, That the Secretary inform the House thereof.

Mr. Claypool offered the following resolution, which was adopted.

*Resolved*, That when the Senate adjourn, it adjourn until Friday morning next.

Mr. Brown of Wells submitted the following report :

Mr. Brown of Wells, from the special committee to investigate the expenditures in the State Quartermasters' Department, etc., made the following report :

MR. PRESIDENT :

The special committee, appointed to investigate the expenditures in the State Quartermaster's Department, in the purchase of arms for the State ; also the management of the State Arsenal, and the affairs of the State Commissary General's office, have instructed me to introduce the accompanying joint resolution, and recommend its passage.

The Senate Joint Resolution No. 15, a Joint Resolution authorizing a certain committee to sit after adjournment of the Legislature, was read the first time, and passed to a second reading on tomorrow.

On motion by Mr. Williams,

House bill No. 94. A bill to make railroad companies incorporated by other States, with their termini at the boundary line of this State, to acquire the right of way, and make connection in this State, and also to acquire the necessary grounds for depots and other buildings, and for machine shops, stock yards, tracks, crossings, and sidings, within this State ;

Was read a third time.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hartley,	Murray,
Bearss,	Douglass,	Hord,	New,
Berry,	Downey,	Jenkins,	Pleak,
Blair,	Dunning,	Johnson,	Ray,

Bradley,	Ferguson,	Landers,	Reed,
Browne of R.,	Finch,	McClurg,	White,
Brown of Wells,	Fuller,	Mansfield,	Williams,
Claypool,	Gaff,	March,	Wilson,
Cobb,	Gifford,	Marshall,	Wolfe, and
Corbin,	Graves,	Mellett,	Wright—42.
Davis of Cass,	Grubb,	Moore,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.                Shields, and        Teegarden—2.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Cobb moved to suspend the previous order of business, and take up Senate bill No. 147.

Mr. Blair moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Bearss and Mellett, and being taken, resulted as follows, ayes 17, noes 25:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	Mellett,	Reed,
Bearss,	Dickinson,	Murray,	Teegarden,
Berry,	Graves,	New,	White, and
Blair,	Mansfield,	Pleak,	Wright—17.
Browne of R.,	March,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Hartley,	Moore,
Bradley,	Dunning,	Jenkins,	Ray,
Brown of Wells,	Ferguson,	Johnson,	Shields,
Cobb,	Finch,	Landers,	Williams,
Corbin,	Fuller,	McClurg,	Wilson, and
Davis of Cass,	Gaff,	Marshall,	Wolfe—25.
Douglass,	Gifford,		

So the motion was rejected.

Mr. Bearss moved to adjourn.

The ayes and noes were demanded by Messrs. Bearss, Blair, Dickinson, Browne of Randolph, and New, and being taken, resulted as follows, ayes 13, nays 30:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Melletts,	Teegarden,
Bearss,	Graves,	New,	White, and
Blair,	Grubb,	Reed,	Wright—13.
Claypool,	Mansfield,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Hord,	Murray,
Bradley,	Dunning,	Jenkins,	Pleak,
Browne of R.,	Ferguson,	Johnson,	Ray,
Brown of Wells,	Finch,	Landers,	Shields,
Cobb,	Fuller,	McClurg,	Williams,
Corbin,	Gaff,	March,	Wilson, and
Davis of Cass,	Gifford,	Marshall,	Wolfe—30.
Douglass,	Hartley,	Moore,	

So the Senate refused to adjourn.

The question recurring on the motion of Mr. Cobb to suspend the previous order of business, and take up Senate bill No. 147.

The ayes and noes were demanded by Messrs. Bearss and Berry, and being taken, resulted as follows—ayes 27, noes 11:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hartley,	Moore,
Bradley,	Dunning,	Hord,	Murray,
Brown of Wells,	Ferguson,	Jenkins,	Ray,
Cobb,	Finch,	Johnson,	Shields,
Corbin,	Fuller,	Landers,	Williams,
Davis of Cass,	Gaff,	McClurg,	Wilson, and
Douglass,	Gifford,	Marshall,	Wolfe—27.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Dickinson,	March,	Reed,
Berry,	Graves,	Melletts,	White, and
Browne of R.,	Mansfield,	Pleak,	Wright—11.

So the motion was agreed to.

Mr. Reed asked and obtained leave of absence for the residue of the evening.

Senate bill No. 147. A bill providing for the election and appointment of officers for the Benevolent Institutions of this State, prescribing some of their duties, and other matters properly connected therewith, repealing all laws in conflict with the same, and declaring an emergency for the immediate taking effect thereof;

Was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hartley,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Williams,
Corbin,	Gaff,	Landers,	Wilson, and
Davis of Cass,	Gifford,	McClurg,	Wolfe—26.
Douglass,	Graves,	Marshall,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Murray,	White—6.
Berry,	Mansfield,	Pleak, and	

No quorum voting,

On motion by Mr. Corbin,  
A call of the Senate was ordered.

The clerk proceeded to call the roll, and the following named Senators answered to their names:

Messrs.	Dunning,	Hord,	Murray,
Berry,	Ferguson,	Jenkins,	Pleak,
Bradley,	Finch,	Johnson,	Ray
Brown of Wells,	Fuller,	Landers,	Shields,
Cobb,	Gaff,	McClurg,	White,
Corbin,	Gifford,	Mansfield,	Williams,
Davis of Cass,	Graves,	Marshall,	Wilson, and
Douglass,	Hartley,	Moore,	Wolfe—32.
Downey,			

Mr. Corbin moved that further proceedings under the call be dispensed with, that the Doorkeeper be directed to bring in the absentees, and that their names be placed on the Journal.

On motion by Mr. Brown of Wells,

That part of the resolution directing the Doorkeeper to bring in the absentees, was stricken out.

Those absent at the time of the previous call were,

Messrs.	Browne of R.,	Davis of Parke,	Mellett,
Bearss,	Campbell,	Dickinson,	New,
Beeson,	Claypool,	Grubb,	Reed, and
Blair,	Culver,	March,	Wright—15.

On motion by Mr. McClurg,

The Senate adjourned.

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FRIDAY, 9 o'clock, A. M., }  
February 27, 1863. }

The Senate met.

The Journal of Wednesday was being read,

When,

On motion by Mr. Moore,

Its further reading was dispensed with.

Mr. Johnson, chairman of the Committee on County and Township Business, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 117, an act to amend section 111 of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith," have had the same under consideration, and have directed me to report the bill back without amendment, and recommend its passage.

Mr. Wilson, from the Committee on Finance, submitted the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill No. 113, introduced by Mr. Fuller, entitled "a bill to repeal an act to provide for the defense of the State of Indiana, to procure first class arms, artillery, cavalry and infantry equipments and munitions of war, making the necessary appropriations therefor, and authorizing the Governor to borrow money," have had the same under consideration, and directed me to report the same back, and recommend its passage.

On motion by Mr. Wolfe,

The bill was referred to the Committee on the Judiciary.

Mr. Finch, from the Committee on Roads, submitted the following report, which was concurred in :



MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No. 124, an act to amend sections 1 and 4 of an act to provide for locating and working highways situated upon county lines," approved March 3, 1859, have had the same under consideration, and have directed me to report the bill back without amendment, and recommend its passage.

Mr. Douglass made the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 12, have had the same under consideration, and instructed me to report the same back, recommending its passage.

Mr. Brown of Wells, from the Judiciary Committee, made the following report, which was concurred in :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 23, entitled "an act to amend section 13 of an act entitled an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852, as amended by an act approved March 9, 1861, introduced by the Senator from Bartholomew, having had the same under consideration, instruct me to report the same back to the Senate with a recommendation that it pass.

Mr. Johnson, from the Committee on Agriculture, made the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred House bill No. 110, an act to amend section 1 of an act entitled "an act to amend section 3 of an act for the regulation of weights and measures," approved June 9, 1852, approved February 28, 1855, have had the same under consideration, and have directed me to report the bill back and recommend its passage.

Mr. Shields, chairman of the Committee on Elections, submitted the following report :

MR. PRESIDENT :

The Committee on Elections, to which was referred the certificate of John H. Baker, and accompanying papers, contesting the seat of Charles L. Murray, the sitting member from the district composed of the counties of Elkhart and Lagrange, have had the same under consideration, and have directed me to report for the adoption of the Senate the following resolutions :

*Resolved*, That Charles L. Murray, the sitting member from the district composed of the counties of Elkhart and Lagrange, is not entitled to the seat he now occupies on this floor.

*Resolved*, That John H. Baker, from the district composed of the counties of Elkhart and Lagrange, is entitled to a seat as Senator from that district.

Mr. Johnson moved to postpone the farther consideration of the report and resolutions until to-morrow week at 10 o'clock, A. M.

Mr. Landers demanded the previous question.

The ayes and noes were demanded by Messrs. Bearss and Mellett, and being taken, resulted as follows: Ayes 26, noes 19.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hartley,	Marshall,
Bradley,	Dunning,	Hoagland,	Moore,
Brown of Wells,	Ferguson,	Hord,	Ray,
Cobb,	Finch,	Jenkins,	Shields,
Corbin,	Fuller,	Johnson,	Williams, and
Davis of Cass,	Gaff,	Landers,	Wilson—26.
Douglass,	Gifford,	McClurg,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Graves,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,

Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Mellett,	Wolfe, and
Blair,	Dickinson,	New,	Wright—19.

So the Senate seconded the demand.

The question recurring on the postponement of the further consideration of the report and resolutions until to-morrow week at 10 o'clock A. M.,

The ayes and noes were demanded by Messrs. Mellett and Bearss, and being taken, resulted as follows: Ayes 24, noes 21.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Marshall,
Bradley,	Finch,	Hord,	Moore,
Brown of Wells,	Fuller,	Jenkins,	Ray,
Cobb,	Gaff,	Johnson,	Shields,
Corbin,	Gifford,	Landers,	Wilson, and
Davis of Cass,	Hartley,	McClurg,	Wolfe—24.
Douglass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Graves,	Pleak,
Bearss,	Culver,	Mansfield,	Reed,
Beeson,	Davis of Parke,	March,	Teegarden,
Berry,	Dickinson,	Mellett,	Williams, and
Blair,	Downey,	New,	Wright—21.
Browne of R.,	Dunning,		

So the consideration of the report and resolution was postponed until the 7th day of March.

Mr. Douglass, Chairman of the Committee on Education, submitted the following report, which was concurred in:

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 122, have had the same under consideration, and instruct me to report the bill back and recommend its passage.

Mr. Johnson, from the Committee on Agriculture, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred House bill No. 23, an act to fix the succession of title of real estate held by county and district agricultural societies, have had the same under consideration, and have directed me to report the bill back, with the following amendments, and when so amended recommend its passage :

Amend the first section by inserting, after the word "agricultural," the words "and horticultural."

Further amend the first section by striking out the word "society," and insert the word "societies."

Further amend the first section by striking out all after the word "donors."

Amend the title by inserting, after the word "agricultural," the words "and horticultural."

Mr. Brown of Wells, from the Judiciary Committee, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 151, entitled "an act to prohibit clerks of the Circuit Courts and Courts of Common Pleas, and their deputies, from practicing law or performing any of the duties of attorneys in any of the courts of which they are clerks," have had the same under consideration, and direct me to report the same back, with the following amendments :

Strike out of the bill all that relates to deputies.

Strike out from the sixth, seventh, eighth and ninth lines of section one the words : " Or making out any document or paper of a legal nature, except as they are required by law to do," and amend the title so as to make the same read as follows : "An act to pro-

hibit clerks of the Circuit Courts and Courts of Common Pleas from practicing law or appearing as attorneys in any of the courts of which they are clerks, prescribing a penalty for the violation of this act, and declaring when this act shall take effect," and when so amended they recommend its passage.

Mr. Johnson, from the Committee on Agriculture, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate bill No. 135, a bill to amend the first and third sections of an act entitled an act for the encouragement of agriculture, approved February 17, 1852, have had the same under consideration, and have directed me to report the bill back, and recommend its passage.

Mr. Douglass, chairman of the Committee on Education, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Education, to whom was referred House bill No. 117, have had the same under consideration, and recommend its passage, with the accompanying amendments (which are the same amendments proposed by Mr. March on the 27th inst.):

Mr. Johnson, from the Committee on Agriculture, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate bill No. 88, A bill supplemental to an act entitled an act for the encouragement of agriculture, approved February 17, 1852, and to encourage the organization of horticultural societies, have had the same under consideration, and inasmuch as there is another bill, embracing the same subject, have directed me to report the bill back and recommend that it lie on the table.

Mr. McClurg, from the Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT:

The Committee on Enrolled Bills, to whom was referred Senate bill No. 24, introduced by the Senator from Delaware, have compared the same with the original copy, and find it correctly enrolled.

Mr. Downey submitted the following report, which was concurred in:

MR. PRESIDENT:

The Judiciary Committee, to which was referred Senate bill No. 107, have had the same under consideration, and have directed me to report the same back, with the following amendment, and when so amended to recommend its passage:

Amend by striking out at line nine the words "above recited," and insert after the word "act," in the the same line, the words "entitled an act making an appropriation to defray the expense of preparing to respond to the call of the President of the United States for troops, approved May 6, 1861."

Mr. Downey, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to which was referred Senate bill No. 98, have had the same under consideration, and have directed me to report the same back to the Senate and recommend that the same and the proposed amendment lie on the table.

The question being on concurrence in the report of the committee,

The ayes and noes were demanded by Messrs. Mellett and Claypool, and being taken, resulted as follows: Ayes 18, noes 22.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Jenkins,	Shields,
Brown of Wells,	Fuller,	Landers,	Williams,
Cobb,	Gaff,	McClurg,	Wilson, and
Culver,	Hartley,	Moore,	Wolfe—18.
Davis of Cass,	Hord,	Ray,	



## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Dickinson,	Graves,	Mellett,
Bearss,	Douglass,	Hoagland,	Murray,
Berry,	Dunning,	Johnson,	Pleak,
Claypool,	Ferguson,	Mansfield,	Reed, and
Corbin,	Finch,	March,	Teegarden—22.
Davis of Parke,	Gifford,	Marshall,	

So the motion was not laid on the table.

Mr. Wolfe moved to recommit, with the following instructions :

Recommit the bill, with instructions to amend it so as to confer the power on the Boards of County Commissioners, to extend the time for the completion of such roads for a term not exceeding five years ;

Which motion was rejected.

On motion by Mr. March,  
And by unanimous consent, the bill was amended as follows :

“Provided, that it shall only apply to cases where five miles or more of continuous road are completed.”

The question being, shall the bill pass ?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hoagland,	Murray,
Bearss,	Dickinson,	Hord,	Pleak,
Berry,	Douglass,	Johnson,	Reed,
Claypool,	Dunning,	Mansfield,	White,
Cobb,	Ferguson,	March,	Wolfe, and
Corbin,	Gifford,	Marshall,	Wright—26.
Culver,	Graves,	Mellett,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Finch,	Jenkins,	Ray,
Bradley,	Fuller,	Landers,	Shields,
Brown of Wells,	Gaff,	McClurg,	Williams, and
Downey,	Hartley,	Moore,	Wilson—15.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Message from the House :

MR. PRESIDENT :

I am directed to transmit to the Senate the following enrolled act of the House, to-wit:

Enrolled Act No. 94. An act to enable railroad companies incorporated by other States, with their termini at the boundary line of this State, to acquire the right of way and make connections in this State, and also to acquire the necessary grounds for depots, and other buildings, and for machine shops, stock yards, tracks, crossings, and sidings within this State;

Which enrolled act has been signed by the Speaker of the House, and is respectfully submitted for the signature of the President of the Senate.

I am also directed to return to the Senate the following enrolled act thereof, to-wit:

Senate Enrolled Act No. 24. An act to provide for the execution of conveyances by County Auditors of school lands, where the certificate has not been properly assigned, or assignment acknowledged in certain cases;

Which enrolled act has been signed by the Speaker of the House of Representatives.

The President thereupon affixed his signature to enrolled act No. 94; also his signature to enrolled act No. 24, referred to in the foregoing message.

Mr. Williams, from the Committee on Finance, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill No. 116, a bill authorizing the Secretary of State to purchase and distribute, for the use of the State, copies of a new edition of

Blackford's Reports, and appropriate money to pay for the same, have had the same under consideration, and recommend that it be referred to the Judiciary Committee.

Mr. Reed, from a select committee, submitted the following report, which was concurred in :

MR. PRESIDENT :

The special committee, to whom was referred Senate bill No. 78, being "an act to amend the eighth section of an act entitled an act in relation to County Treasurers," approved June 4, 1852, have had the same under consideration, and direct me to report as follows :

Amend the first section by striking out the last line on first page and the first six lines on second page, and insert the following in place thereof :

"Presenting such order, it shall be the duty of the County Treasurer to deduct from said order the amount of taxes due aforesaid, and pay the balance, if any there be, to the person presenting said order, giving him a receipt for the taxes so paid, as aforesaid ; and provided further, that if there be no money in the Treasury to pay the said county order, the person presenting said order shall not have the right to pay any more of said taxes than such as may be due said county for county purposes, and if the amount of such taxes shall be less than the amount of the order presented, as aforesaid, then the said Treasurer shall procure a cancellation of said order by the County Auditor, and the issuing of two orders in place thereof ; one of said orders shall be in the amount of taxes to be paid by said order so canceled, as aforesaid, and the other of said orders shall be for the balance due the person presenting said canceled order. The Treasurer shall apply the first of said new orders to the payment of the taxes, as aforesaid, and present the other of said new orders, together with his receipt for the taxes so paid, as aforesaid, to the person presenting said canceled order, if there be no funds to pay such order ;" and when so amended, the committee respectfully recommend its passage.

Mr. March, from the Judiciary Committee, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 131, "a bill to amend the 99th section of the act in relation to pleading and practice," approved June 18th, 1852, have had the same under consideration, and directed me to report the same back and recommend its passage.

Mr. Hord offered the following resolution, which was adopted :

WHEREAS, A resolution was adopted by this Senate, at its present session, requesting his Excellency, Governor Morton, to report the arrears due the soldiers of the State of Indiana, and how much per month it would require in the future to pay the soldiers of the State ; and,

WHEREAS, His Excellency has not yet responded to said resolution ; and,

WHEREAS, The adoption of said resolution may not have come to the knowledge of the Governor ; therefore,

*Resolved*, That the Secretary of the Senate be required to transmit a copy of said resolution to his Excellency, Governor Morton, who is hereby respectfully requested to report such information as he may have on the subject, at the earliest practicable time.

Mr. Hord introduced

Senate joint resolution No. 16. A joint resolution against the Congress of the United States passing laws violating the sovereignty of the State ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Ferguson introduced

Senate bill No. 161. A bill to enable Courts of Common Pleas to hold special terms at any point agreed upon ;

Was read a first time.

Mr. Ferguson moved to suspend the rules, and read the bill a second time now.

The ayes and noes being taken under a provision of the Constitution,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hoagland,	Murray,
Bearss,	Downey,	Hord,	Pleak,
Bradley,	Dunning,	Jenkins,	Ray,
Brown of Wells,	Ferguson,	Landers,	Reed,
Claypool,	Finch,	McClurg,	Teegarden,
Cobb,	Fuller,	Mansfield,	Williams,
Culver,	Gaff,	March,	Wilson,
Davis of Parke,	Gifford,	Marshall,	Wolfe, and
Davis of Cass,	Graves,	Moore,	Wright—37.
Dickinson,	Hartley,		

Noes none.

So the rules were suspended, and Senate bill No. 161 was read a second time and referred to the Judiciary Committee.

Mr. Hartley introduced

Senate bill No. 162. An act to amend section 14 of an act entitled an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852 ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Landers introduced

Senate bill No. 163, entitled "an act to amend the eighteenth section of an act entitled an act for the organization and regulation of the Indiana Militia, prescribing penalties for violation of said regulations, providing for the election and appointment of officers, defining the duties of military and civil officers, and penalties for the neglect or violation thereof, providing for courts-martial, councils of administration, and military encampments, making appropriations for the support of said militia, repealing all laws heretofore enacted on that subject, saving certain acts therein named, and declaring an emergency for the immediate taking effect thereof," approved May 11, 1861 ;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Downey introduced

Senate bill No. 164. A bill providing for the payment of the Indiana Legion, and other State troops, for services in defending the Ohio river border, and to provide payment of other expenses of such troops during the time of such service;

Which was read a first time.

Mr. Cobb moved to suspend the rules, and read the bill a second time now.

The ayes and noes being taken under a constitutional provision,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hoagland,	Moore,
Bearss,	Douglass,	Hord,	Murray,
Berry,	Downey,	Jenkins,	Pleak,
Bradley,	Dunning,	Landers,	Ray,
Brown of Wells,	Finch,	McClurg,	Reed,
Cobb,	Fuller,	Mansfield,	Williams,
Corbin,	Gaff,	March,	Wilson,
Culver,	Gifford,	Marshall,	Wolfe, and
Davis of Parke,	Graves,	Melletts,	Wright—37.
Davis of Cass,	Hartley,		

Noes none.

So the rules were suspended, and the bill read a second time now.

On motion by Mr. Downey,  
The blank in the bill was filled by inserting thirty days.

Mr. Williams moved to make the committee consist of three instead of five.

On motion by Mr. Downey,

The bill was referred to a select committee of five, namely: Messrs Downey, Mansfield, Bradley, Fuller, Finch, Mellett, and Wolfe.



Mr. Culver introduced

Senate bill No. 165. A bill requiring recorders to record stamps on instruments, or otherwise indicate the fact whether the same is stamped or not, and making the record thereof, or copies of the same, evidence of such fact;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Corbin moved to suspend the rules, and read the bill a second time now.

The ayes and noes being taken, under a constitutional provision,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hoagland,	Moore,
Bearss,	Douglass,	Hord,	Murray,
Berry,	Downey,	Jenkins,	Pleak,
Bradley,	Dunning,	Johnson,	Ray,
Brown of Wells,	Finch,	Landers,	Reed,
Cobb,	Fuller,	McClurg,	Shields,
Corbin,	Gaff,	Mansfield,	White,
Culver,	Gifford,	March,	Williams,
Davis of Parke,	Graves,	Marshall,	Wolfe, and
Davis of Cass,	Hartley,	Melletts,	Wright—39.

Noes none.

So the rules were suspended, and the bill read a second time, and referred to a select committee of three, viz: Messrs. Culver, Downey, and Wolfe.

Mr. Johnson introduced

Senate bill No. 166. An act to establish an agricultural college, to teach such branches of learning as are related to agriculture and the mechanic arts, military tactics, normal school instruction, and such other scientific and classical studies as the General Assembly, or the Board of Trustees of said college may direct, and to appropriate revenue for its endowment, support and maintenance, and to provide a Board of Trustees for its management;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Wright introduced

Senate bill No. 167. A bill to authorize the sale of land deeded to the State by M. G. Bright, lying in Jasper and Newton counties, and prescribing the manner of making such sale, and granting pre-emption to actual settlers on said lands ;

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Gifford,  
The Senate adjourned.

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1½ o'clock, P. M.

Senate met.

On motion by Mr. Gifford,  
A call of the Senate was ordered.

The Secretary proceeded with the call, whereupon the following named Senators answered to their names, viz :

Messrs.	Dunning,	Hoagland,	Murray,
Berry,	Ferguson,	Hord,	*New,
Bradley,	Finch,	Jenkins,	Pleak,
Browne of R.,	Fuller,	Johnson,	Ray,
Brown of Wells,	Gaff,	McClurg,	Reed,
Campbell,	Gifford,	Mansfield,	Shields,
Cobb,	Graves,	March,	Teegarden,
Corbin,	Grubb,	Melletts,	Williams, and
Davis of Cass,	Hartley,	Moore,	Wolfe—29.
Downey,			

Mr. Dunning (Mr. Cobb being in the chair,) asked and obtained leave of absence for Mr. Beeson, on account of sickness.

On motion by Mr. Gifford,  
The further call of the House was dispensed with.

On motion by Mr. Brown of Wells,  
Senate Joint Resolution No. 15. A joint resolution authorizing a certain committee to sit after adjournment of the Legislature ;  
Was taken up and read a second time.

Mr. Brown of Wells moved that the rules be suspended, and the Senate Joint Resolution read a second time by its title.

Mr. March moved the following amendment :

“ And make the number of the committee five.”

Mr. Johnson moved the following amendment to the amendment :

Amend the amendment by striking out five, and inserting three, two from the Senate, and one from the House.

Mr. Landers demanded the previous question, which was seconded by the Senate.

The question being on the adoption of the amendment to the amendment.

The ayes and noes were demanded by Messrs. Claypool and Brown of Wells, and being taken, resulted as follows, ayes 30, nays 17 :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hoagland,	Ray,
Bearss,	Douglass,	Jenkins,	Reed,
Blair,	Ferguson,	Johnson,	Teegarden,
Bradley,	Gaff,	Mansfield,	White,
Campbell,	Gifford,	March,	Williams,
Claypool,	Graves,	Marshall,	Wilson, and
Culver,	Grubb,	Moore,	Wolfe—30.
Davis of Parke,	Hartley,	Pleak,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Corbin,	Hord,	Murray,
Berry,	Downey,	Landers,	New,
Browne of R.,	Dunning,	McClurg,	Shields, and
Brown of Wells,	Finch,	Mellet,	Wright—17.
Cobb,	Fuller,		

So the amendment to the amendment was adopted.

The question recurring on the amendment as amended,

The ayes and nays were demanded by Messrs. Brown of Wells and Browne of Randolph, and being taken, resulted as follows, ayes 32, noes 15:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hord,	Pleak,
Bearss,	Ferguson,	Jenkins,	Ray,
Blair,	Gaff,	Johnson,	Reed,
Bradley,	Gifford,	Landers,	Teegarden,
Campbell,	Graves,	Mansfield,	White,
Claypool,	Grubb,	March,	Williams,
Culver,	Hartley,	Marshall,	Wilson, and
Davis of Parke,	Hoagland,	Moore,	Wolfe—32.
Davis of Cass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Cobb,	Finch,	Murray,
Berry,	Corbin,	Fuller,	New,
Browne of R.,	Downey,	McClurg,	Shields, and
Brown of Wells,	Dunning,	Mellet,	Wright—15.

So the amendment as amended was adopted.

The question recurring upon the motion to suspend the rules.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Cobb,	Jenkins,	White,
Bearss,	Fuller,	Mansfield,	Williams,

Bradley,	Gaff,	Melletts,	Wilson, and
Browne of R.,	Hord,	Ray,	Wolfe—16.
Brown of Wells,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Grubb,	Moore,
Berry,	Douglass,	Hartley,	Murray,
Blair,	Downey,	Hoagland,	New,
Campbell,	Dunning,	Johnson,	Pleak,
Claypool,	Ferguson,	Landers,	Reed,
Corbin,	Finch,	McClurg,	Teegarden, and
Culver,	Gifford,	March,	Wolfe—30.
Davis of Parke,	Graves,	Marshall,	

So the rule was not suspended.

Mr. Blair offered the following amendment:

Insert in the proper place: "The said committee shall, under no circumstances, sit for a longer period than twenty days."

Strike out all that relates to the employment of a Clerk and Doorkeeper.

Mr. Hord moved to lay this motion on the table,  
Which was agreed to.

Mr. Browne of Randolph moved to refer the joint resolution and pending amendment to a select committee of three, namely, Messrs. Browne of Randolph, Brown of Wells, and Wolfe.

Message from the Governor:

MR. PRESIDENT:

I am directed by the Governor to inform your honorable body that he has signed and approved Senate bill No. 24, an act to provide for the execution of conveyances by county auditors of school lands, where the certificate has not been properly assigned or assignment acknowledged in certain cases, and has caused a copy of the same to be filed in the office of the Secretary of State.

On motion by Mr. Ray,

Senate bill No. 114. A bill to amend section thirteen of an act entitled an act defining felonies and prescribing punishment therefor, approved June 10, 1852, and to more fully protect the citizens of the State from arbitrary arrests, and procuring the privileges of the writ of habeas corpus to such as may be arrested without due process of law;

Was taken up, and read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hoagland,	Marshall,
Bradley,	Ferguson,	Hord,	Moore,
Brown of Wells,	Finch,	Jenkins,	Murray,
Cobb,	Fuller,	Johnson,	Ray,
Corbin,	Gaff,	Landers,	Williams,
Davis of Cass,	Gifford,	McClurg,	Wilson, and
Douglass,	Graves,	March,	Wolfe—29.
Downey,	Hartley,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Mansfield,	Reed,
Bearss,	Culver,	Melletts,	Teegarden,
Blair,	Davis of Parke,	New,	White, and
Browne of R.,	Grubb,	Pleak,	Wright—16.
Campbell,			

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Leave being granted,

Mr. Ferguson introduced

Senate bill No. 168. A bill to prevent the abandonment of plank, turnpike, McAdamized and gravel roads in certain cases, and declaring who shall not be liable to pay toll on such roads in certain cases;

Which was read a first time, and passed to a second reading on to-morrow.



Leave being granted,

Mr. Hord introduced

Senate bill No. 169. An act to amend section one of an act entitled "an act to amend section seven of an act entitled an act to fix the times for holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, so as to change the times of holding said courts in Jackson and Bartholomew counties, and declaring when this act shall take effect, approved March 9, 1861 ;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Corbin offered the following resolution :

*Resolved*, That the Doorkeeper be directed to contract with W. H. Drapier for six hundred copies of the Brevier Legislative Reports (being the usual number furnished for the Senate every session since 1857), the same to be sent by express, an equal number of copies to each Senator, as soon as possible after the adjournment of the session: *Provided*, said reports shall not cost more than one dollar per copy.

Mr. Ray moved to amend by providing that one copy shall be bound ;

Which was agreed to.

On motion by Mr. Claypool,

The resolution was amended so as to require the copies to be furnished within sixty days from the adjournment.

Mr. Moore moved to strike out six hundred, and insert three hundred ;

Which was rejected upon a division—ayes 15, noes 22.

Mr. Hord moved to reconsider the vote adopting Mr. Claypool's amendment, requiring the books to be furnished within sixty days after adjournment ;

Which was agreed to.

The question recurring upon the adoption of the resolution,

The ayes and nays were demanded by Messrs Bearss and March, and being taken, resulted as follows—ayes 27, noes 19.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Gifford,	Marshall,
Blair,	Douglass,	Graves,	Murray,
Bradley,	Downey,	Hartley,	Ray,
Brown of Wells,	Dunning,	Hoagland,	Reed,
Cobb,	Ferguson,	Hord,	Williams,
Corbin,	Finch,	Landers,	Wilson, and
Davis of Cass,	Gaff,	McClurg,	Wolfe—27.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Jenkins,	New,
Bearss,	Culver,	Mansfield,	Pleak,
Berry,	Davis of Parke,	March,	Teegarden,
Browne of R.,	Fuller,	Mellett,	White, and
Campbell,	Grubb,	Moore,	Wright—19.

So the resolution was adopted.

Mr. Downey offered the following resolution :

*Resolved*, That John H. Baker and William H. Dills, contesting seats of Senators Murray and Dickinson, be each allowed the mileage and per diem usually allowed members of this body, until the contested elections are determined. That the Auditor of State, upon the receipt of a certificate from the President of the Senate showing the number of days said contestors have been in attendance, shall draw his warrant upon the State Treasurer for the same.

Mr. Browne of Randolph offered the following amendment, which was adopted :

Refer to the committee with instructions also to inquire into and report the amount Hon. Alex. White, who contests the seat of the Senator from Randolph, is entitled, if any, and report thereon.

Mr. Blair moved to take up the reports of the Committee on Elections.

The ayes and noes were demanded by Messrs Blair and Bearss, and being taken, resulted as follows: Ayes 33, noes 12.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Jenkins,	New,
Bearss,	Davis of Parke,	Landers,	Pleak,
Berry,	Davis of Cass,	McClurg,	Reed,
Blair,	Downey,	Mansfield,	Teegarden,
Bradley,	Dunning,	March,	White,
Browne of R.,	Fuller,	Marshall,	Williams,
Campbell,	Gifford,	Mellet,	Wolfe, and
Claypool,	Grubb,	Murray,	Wright—33.
Cobb,	Hord,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Ferguson,	Hartley,	Ray,
Brown of Wells,	Finch,	Hoagland,	Shields, and
Corbin,	Gaff,	Moore,	Wilson—13.
Douglass,	Graves,		

So the reports of the committee were taken up.

The following resolution, recommended by the Committee on Elections, was then adopted:

*Resolved*, That Timothy R. Dickinson, the sitting member from the counties of Noble, Dekalb and Steuben, is legally entitled to retain his seat as a member of this Senate.

The following resolution coming up next in order:

*Resolved*, That Thomas M. Browne, the sitting member from the district composed of the county of Randolph, is entitled to his seat as the Senator from that district.

The ayes and noes were demanded by Messrs. Shields and Landers, and being taken, resulted as follows: Ayes 40, noes 6.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hartley,	New,
Bearss,	Dickinson,	Hoagland,	Pleak,
Berry,	Douglass,	Hord,	Ray,
Blair,	Downey,	Jenkins,	Reed,
Bradley,	Dunning,	McClurg,	Teegarden,
Brown of Wells,	Ferguson,	Mansfield,	White,
Campbell,	Finch,	March,	Williams,
Claypool,	Gaff,	Marshall,	Wilson,
Cobb,	Gifford,	Mellett,	Wolfe, and
Culver,	Graves,	Murray,	Wright—40.
Davis of Parke,	Grubb,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Fuller,	Landers,	Shields—6.
Corbin,	Johnson,	Moore, and	

So the resolution was adopted.

The following resolution coming up next in order :

*Resolved*, That Honorables Joshua H. Mellett, Abraham Teegarden, Martin M. Ray, and Daniel R. Bearss, are entitled to hold their seats as Senators on this floor.

The ayes and noes were demanded by Messrs. Landers and Shields, and being taken, resulted as follows : Ayes 37, noes 6 :

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Grubb,	Murray,
Berry,	Dickinson,	Hartley,	New,
Blair,	Douglass,	Hoagland,	Pleak,
Bradley,	Downey,	Hord,	Reed,
Browne of R.,	Dunning,	Jenkins,	White,
Brown of Wells,	Ferguson,	McClurg,	Williams,
Campbell,	Finch,	Mansfield,	Wilson,
Claypool,	Gaff,	March,	Wolfe, and
Cobb,	Gifford,	Marshall,	Wright—37.
Culver	Graves,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Fuller,	Landers,	Shields—6.
Corbin,	Johnson,	Moore, and	

So the resolution was adopted.

On motion by Mr. Ray,

Senate bill No. 147 was taken up.

Mr. Ray moved to recommit the bill to a select committee, with instructions to amend by striking out "three Trustees," and inserting "five Trustees," and that they recommend the names of said Trustees as an amendment to the bill, composed of both the great political parties.

Mr. Corbin moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. March and New, and being taken, resulted as follows: Ayes 12, noes 31.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Johnson,	Moore,
Claypool,	Grubb,	Landers,	Reed, and
Corbin,	Jenkins,	Marshall,	Teegarden—12.
Davis of Parke,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Hartley,	New,
Bearss,	Downey,	Hoagland,	Pleak,
Berry,	Dunning,	Hord,	Ray,
Blair,	Ferguson,	McClurg,	Shields,
Bradley,	Finch,	Mansfield,	Williams,
Browne of R.,	Fuller,	March,	Wilson,
Brown of Wells,	Gaff,	Melletts,	Wolfe, and
Cobb,	Gifford,	Murray,	Wright—31.
Davis of Cass,	Graves,		

So the motion was rejected.

Mr. Landers moved to amend as follows:

Amend the amendment by striking out all that relates to the number of Trustees;

Which was adopted.

Mr. Reed moved to amend by striking out all that relates to the partisan politics of the Trustees.

Mr. Landers made an ineffectual motion to lay this amendment on the table.

The amendment was then adopted.

Mr. Teegarden moved to recommit the bill with instructions to amend so as to make two Trustees instead of three.

On motion by Mr. Hord,

The motion was laid on the table.

Mr. March moved to recommit to the Committee on Benevolent Institutions, with instructions to amend the first section so as to provide that one Trustee for each assylum shall be elected for two years, one for three years, and the other for four years.

Mr. Corbin moved to lay this amendment on the table.

The ayes and noes were demanded by Messrs. March and New, and being taken, resulted as follows, ayes 24, nays 21:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hartley,	Marshall,
Brown of Wells,	Ferguson,	Hoagland,	Moore,
Cobb,	Finch,	Hord,	Ray,
Corbin,	Fuller,	Jenkins,	Shields,
Davis of Cass,	Gaff,	Johnson,	Williams, and
Douglass,	Gifford,	McClurg,	Wilson—24.
Downey,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Culver,	Mansfield,	Pleak,
Bearss,	Davis of Parke,	March,	Reed,
Berry,	Dickinson,	Melletts,	Teegarden,



Blair,	Graves,	Murray,	Wolfe, and
Bradley,	Grubb,	New,	Wright—21.
Claypool,	Landers,		

So the motion was agreed to.

Mr. Landers offered the following amendment:

To amend the bill so as to elect one for two years, and two for four years;

Which was agreed to.

Mr. Corbin offered the following amendment, which was adopted.

Amend section 1, 4th line, by striking out the words "asylum for," and inserting in their stead "institute for the education of."

Also,

In line 9, by striking out "one for four years, and one for six years," and inserting in its stead "two for four years."

Also,

In the 9th line strike out all after the words "two years," and insert "and two for four years, and after two years, all trustees and commissioners shall be elected for four years, and biennially thereafter, there shall be elected alternately, two and one trustees and commissioners for said institutions and hospital, so that each board shall consist of three members at all times.

Also,

By inserting after the word "purchaser," in the second line of the eighth section, "and approved by the Superintendent."

Also,

To amend the eleventh section by striking out "wardens," where it occurs, and inserting in its stead "stewards," and by adding to the end of said section the following: "The Superintendents shall severally give bond in the penal sum of twenty thousand dollars, payable to the State of Indiana, conditioned for the faithful discharge of their several duties, and the stewards shall also give like bonds, in the penal sum of ten thousand dollars, which bonds shall

be approved by the Auditor of State, and filed with and recorded by the Secretary of State."

Also, by adding the following additional section :

Any Trustee, Commissioner, or other officer connected with any of said institutions, who shall, during his term of office, accept of any other office or appointment, except as herein otherwise provided, or shall, in any way, directly or indirectly, be pecuniarily interested in furnishing supplies for any of said institutions, or in any contract connected therewith, shall be deemed thereby to have forfeited any office he may hold under any of said institutions."

Mr. March moved to amend so as to provide further, that all officers shall be chosen by this Legislature, and appointments by such officers be made under this act without reference to the political organization with which they act.

The question recurring on Mr. March's amendment,

The ayes and noes were demanded by Messrs. March and Bearss, and being taken, resulted with the following result :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Mansfield,	Reed,
Bearss,	Downey,	March,	Shields,
Berry,	Ferguson,	Melletts,	Teegarden,
Blair,	Gaff,	Murray,	Williams,
Bradley,	Gifford,	New,	Wolfe, and
Claypool,	Graves,	Pleak,	Wright—26.
Davis of Parke,	Grubb,	Ray,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Finch,	Hord,	McClurg,
Cobb,	Fuller,	Jenkins,	Marshall,
Corbin,	Hartley,	Johnson,	Moore, and
Davis of Cass,	Hoagland,	Landers,	Wilson—16.
Douglass,			

So the amendment was adopted.

Mr. Corbin moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. March and Claypool, and being taken, resulted as follows: Ayes 18, noes 26:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hord,	Moore,
Brown of Wells,	Finch,	Jenkins,	Ray,
Cobb,	Gaff,	Johnson,	Williams, and
Corbin,	Gifford,	Landers,	Wilson—18.
Davis of Cass,	Hartley,	Marshall,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Grubb,	Pleak,
Bearss,	Dickinson,	McClurg,	Reed,
Berry,	Downey,	Mansfield,	Shields,
Blair,	Dunning,	March,	Teegarden,
Bradley,	Ferguson,	Melletts,	Wolfe, and
Claypool,	Fuller,	Murray,	Wright—26.
Culver,	Graves,	New,	

So the motion was rejected.

Mr. Johnson moved to further instruct that no person shall be appointed Trustee who has any political opinions;

Which was adopted.

On motion by Mr. Johnson,  
The Senate adjourned.

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7 O'CLOCK, P. M.

The Senate met.

Mr. Claypool made an ineffectual motion to adjourn.

Senate bill No. 155. A bill requiring all persons hereafter sen-  
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tenced to confinement in the State Prison to be conveyed to the State Prison at Jeffersonville, providing for the transfer of convicts from one State Prison to the other, and repealing an act entitled an act to authorize the removal of convicts from the Southern State Prison to the Northern State Prison, and providing for the employment of convicts in each of said Prisons, directing what counties shall send their convicts to the Northern State Prison, and providing for carrying on the work in building said Northern State Prison, and making appropriations for the support of said Prison," approved June 1, 1861 ;

Which was read a second time, and referred to the Committee on State Prisons.

Leave being granted,

Mr. Corbin introduced

Senate bill No. 170. Entitled an act repealing sections one, ten, and twelve, of an act entitled an act to provide for the erection of a new Prison, north of the National Road, election of officers therefor, making appropriations, and for the regulation of the same, approved March 5, 1859, and an act supplemental thereto, providing for the election of officers for the Northern Prison, prescribing some of their duties, providing for the government of said Prison, and other matters properly connected therewith, and continuing in force all laws applicable thereto, and not inconsistent therewith ;

Was read a first time, and passed to a second reading on tomorrow.

Mr. March moved to take from the table Senate bill No. 54, which was agreed to.

Senate bill No. 54.

Amend the bill by inserting the following preamble :

Mr. March moved the following amendment, by way of instruction, which was agreed to :

WHEREAS, The eastern boundary of Blackford, at the time of its organization, and for years afterward, was on the nearest section line from the south-east corner of section five, township twenty-two, range twelve, east, to the north-east corner of section five, in township twenty-four, range twelve, east ; and

WHEREAS, By the eighth section of an act entitled "an act dividing the State into counties, defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852, the east boundary of said county is, by mistake, made to run from the south-east corner of said section five, township twenty-two, north, to the line dividing township twenty-three and twenty-four, thence east to the south-west corner of section thirty-two, township twenty-four, range twelve, east, thence north to the north-west corner of section five, in township twenty-four, north of range twelve, east, making a difference of six sections; and

WHEREAS, The territory lying between the above two boundary lines has been taxed by and considered as a portion of the county of Blackford, a greater portion of the time since the passage of said act in 1852, although actually lying within the county of Jay, according to the terms of the last mentioned boundary; therefore, in order to correct said mistake,

Mr. Brown of Wells, moves to amend, by way of instruction, so as to provide for the submission of the question in the bill to the suffrages of the qualified voters of Jay and Blackford counties, at the April election next, and if a majority of said voters favor the bill, then the same shall become a law;

Which was agreed to.

On motion by Mr. Brown of Wells,

The bill and pending instructions were referred to the Committee on County and Township Business.

Senate bill No. 154. An act to amend sections 3, 5 and 6 of an act entitled "an act to provide for the government and discipline of the prisons, and to repeal an act to provide for the government and discipline of the State Prisons," approved March 3d, 1855, and all other laws, or parts of laws, inconsistent herewith, approved February 5, 1857;

Was read a second time, and referred to the State Prison Committee.

Senate bill No. 156. An act to amend the fourth section of an act entitled "an act in relation to County Auditors," approved May 31, 1852;

Was read a second time, and ordered to be engrossed.

Mr. Davis of Cass moved to take up Senate bill No. 117 ;  
Which was agreed to.

Mr. Davis of Cass moved to refer the bill to a select committee of three, with the following instructions :

Amend by inserting in the second line of the fourth page, after the word "disbursed," the following: "And two per cent. on all disbursement of interest ;"

Which was agreed to.

The President announced said committee to consist of Messrs. Davis of Cass, Graves and Wolfe.

Leave being granted,

Mr. Hord introduced

Senate bill No. 171. An act to classify the incorporated cities of the State of Indiana, and for the better regulation of the police of the same ;

Which was read a first time.

Mr. Mansfield moved to reject the bill.

The ayes and noes were demanded by Messrs. Bearss and New, and being taken, resulted as follows: Ayes 13, noes 21.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Murray,	Reed,
Berry,	Downey,	New,	Teegarden, and
Blair,	Mansfield,	Pleak,	Wright—13.
Davis of Parke,	March,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Hoagland,	Moore,
Bradley,	Dunning,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Gaff,	Johnson,	Williams, and
Corbin,	Gifford,	Landers,	Wolfe—21.
Davis of Cass,	Hartley,		

So the motion was rejected.



Excused from voting, Senators Graves and Ferguson.

On motion by Mr. Bradley,

The following message from the House was taken up :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed the following engrossed bills thereof, to-wit :

House bill No. 47. An act to legalize the acts of certain civil officers in this State, who have entered the military service of the United States, and whose duties have been discharged by deputies during their absence.

House bill No. 91. An act to provide compensation to the owner of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State, and to enforce the collection of judgments rendered on account of the same, and to repeal all laws inconsistent therewith.

House bill No. 130. An act to give additional powers in civil and criminal actions to the Judges of the Circuit and Common Pleas Courts during vacation.

House bill No. 142. An act to amend the 656th and 661st sections of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleading and forms in civil actions, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

House bill No. 143. An act to authorize County Auditors to issue fee bills in certain cases therein named.

House bill No. 149. An act supplemental to an act entitled an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical, and building purposes, approved May 20, 1852, and to repeal the 11th and 14th sections of said act ;

In which the concurrence of the Senate is respectfully requested.

House bill No. 149, contained in the foregoing message, was read a first time.

Mr. Bradley moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under a provision of the constitution,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Dickinson,	Hoagland,	New,
Berry,	Douglass,	Hord,	Pleak,
Blair,	Downey,	Jenkins,	Ray,
Bradley,	Dunning,	Johnson,	Reed,
Brown of Wells,	Ferguson,	Landers,	Shields,
Cobb,	Finch,	Mansfield,	Teegarden,
Corbin,	Gaff,	March,	Williams,
Davis of Parke,	Gifford,	Moore,	Wolfe, and
Davis of Cass,	Graves,	Murray,	Wright—35.

Nays none.

So the rules were suspended, and the bill read a second time, and referred to the Committee on Manufactures.

House bills Nos. 47, 91, 130, 143, and 142, contained in the foregoing message, were severally read a first time, and passed to a second reading on to-morrow.

Mr. Corbin moved to suspend the rules and take up Senate bill No. 170. A bill repealing sections one, two, and twelve, of an act entitled an act to provide for the election of a new Prison north of the National Road, election of officers therefor, making appropriations, and for the regulation of the same, approved March 5, 1859, and an act supplemental thereto, providing for the election of officers for the Northern Prison, prescribing some of their duties, providing for the government of said Prison, and other matters properly connected therewith, and continuing in force all laws applicable thereto, and read it the second time.

The ayes and noes being taken under the provision of the constitution,

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hoagland,	New,
Bearss,	Douglass,	Hord,	Pleak,
Berry,	Downey,	Jenkins,	Ray,
Blair,	Dunning,	Johnson,	Reed,
Bradley,	Ferguson,	Landers,	Teegarden,
Brown of Wells,	Finch,	Mansfield,	Williams,
Cobb,	Gaff,	March,	Wolfe, and
Corbin,	Gifford,	Moore,	Wright—34.
Davis of Cass,	Graves,	Murray,	

None voting in the negative.

So the rules were suspended, and Senate bill No. 170, read a second time, and referred to the Committee on State Prisons.

Mr. Williams moved to take up House bill No. 91, An act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State, and to enforce the collection of judgments rendered on account of the same, and to repeal all laws inconsistent therewith, and read it a second time now.

The ayes and noes being taken under a provision of the constitution,

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Dickinson,	Hoagland,	New,
Bearss,	Douglass,	Hord,	Pleak,
Berry,	Downey,	Jenkins,	Ray,
Blair,	Dunning,	Johnson,	Reed,
Brown of Wells,	Ferguson,	Landers,	Teegarden,
Cobb,	Finch,	Mansfield,	Williams,
Corbin,	Gaff,	March,	Wolfe, and
Davis of Parke,	Gifford,	Moore,	Wright—34.
Davis of Cass,	Graves,	Murray,	

So the rules were suspended, and the bill was read a second time by its title, and referred to the Judiciary Committee.

House Joint Resolution No. 15. A joint resolution of thanks to the soldiers of Indiana, and providing for the registry and preserva-

tion of the names of those who have fallen in the service of their country during the present war;

Was read a second time.

Mr. Dickinson moved to amend as follows:

Strike out "Librarian," and insert "Adjutant General," and strike out \$500 and insert \$300.

Mr. Cobb moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Bearss and Dickinson, and being taken, resulted as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Gifford,	Landers,
Brown of Wells,	Dunning,	Hoagland,	Moore,
Cobb,	Ferguson,	Hord,	Ray,
Corbin,	Finch,	Jenkins,	Williams, and
Davis of Cass,	Gaff,	Johnson,	Wolfe—19.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Mansfield,	Pleak,
Bearss,	Dickinson,	March,	Reed,
Berry,	Downey,	Murray,	Teegarden, and
Blair,	Graves,	New,	Wright—15.

So the amendment was laid on the table.

Mr. March made an ineffectual motion to refer the resolutions to the Committee on the Judiciary.

Mr. March moved to strike out \$500.

Mr. Cobb moved to lay this motion on the table.

Mr. Reed made an ineffectual motion to adjourn.

The question recurring on Mr. Cobb's motion to lay on the table the amendment offered by Mr. March,

The ayes and noes were demanded by Messrs. March and Reed, and being taken, resulted as follows:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hord,	Murray,
Brown of Wells,	Dunning,	Jenkins,	Ray, and
Cobb,	Finch,	Landers,	Wolfe—13.
Corbin	Hoagland,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Dickinson,	Graves,	New,
Bearss,	Downey,	Johnson,	Pleak,
Berry,	Ferguson,	Mansfield,	Reed,
Blair,	Gaff,	March,	Teegarden, and
Davis of Parke,	Gifford,	Moore,	Williams—20.
Davis of Cass,			

No quorum voting,

On motion of Mr. Johnson.

The Senate adjourned.

SATURDAY, 8½ o'clock, A. M., }  
February 28, 1863. }

The Senate met.

The journal of yesterday was being read, when,

On motion by Mr. Gifford,

Its further reading was dispensed with.

Mr. New presented a petition from the German citizens of Marion county, praying that the German language may be taught in the common schools.

Which was read, and referred to the Committee on Education.

The President laid before the Senate a communication from the

Superintendent of Public Instruction, inclosing his regular biennial report;

Which was read, and referred to the Committee on Education.

Mr. Johnson, chairman of the Committee on County and Township Business, submitted the following report:

MR. PRESIDENT :

The Committee on County and Township Business, to which was referred House bill No. 82, have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage;

Which was concurred in.

Mr. Johnson, chairman of the Committee on County and Township Business, submitted the following report:

MR. PRESIDENT :

The Committee on County and Township Business, to which was referred House bill No. 128, have had the same under consideration, and have directed me to report it back, and recommend its passage;

Which was concurred in.

Mr. Johnson, chairman of the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to which was referred House bill No. 20, have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage;

Which was concurred in.

Mr. Finch, chairman of the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No. 137, have had the same under consideration, and instruct me to report the same back, recommending its passage;



Which was concurred in.

Mr. Graves, from a select committee, made the following report :

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 117, (with an accompanying proposed amendment,) entitled "an act to amend section 111 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries," approved March 11, 1861, and to repeal all laws inconsistent therewith, would respectfully report that they have had the same under consideration, and now report the same back with an amendment, upon the adoption of which they respectfully recommend its passage :

Amend by inserting, in the second line of fourth page, after the word "disbursed," the following: "And two per cent. on all disbursements of interest."

Mr. March moved to concur in the report, with the following amendment:

By striking out two per cent. and insert one per cent. on school tax disbursed.

On motion by Mr. Claypool,

The bill and pending amendment was laid on the table.

Mr. Brown of Wells submitted the following report, which was concurred in :

MR. PRESIDENT :

The special committee appointed to investigate the State Quartermaster's Department, State Commissary's Department, the purchase of arms by the State, and the management of the State Arsenal, instruct me to report to the Senate that they have found it impossible to discharge the duties devolved upon them during the present session of the Legislature. They would, therefore, ask to be discharged, but would recommend further action in this direction by the Senate.

Mr. Culver submitted the following report, which was concurred in:

MR. PRESIDENT:

The select committee, to which was referred Senate bill No. 165, being a bill requiring recorders to record stamps on instruments, &c., have had the same under consideration, and have directed me to report the same back with the following amendment, and when so amended, recommend its passage:

Strike out all between the words "thereon," in the twelfth line on second page, and "instrument" in the first line of third page, and insert the following: "or certify on the record that the instrument is duly stamped;" and when so amended recommend its passage.

Mr. Brown of Wells made the following report:

MR. PRESIDENT:

The special committee, to whom was referred Senate joint resolution No. 15, introduced by the special committee to investigate the State Quartermaster's Department, &c., have had the same under consideration, and direct me to report the accompanying joint resolution as a substitute therefor, and recommend the passage of the same.

Senate joint resolution No. 17. A joint resolution creating a committee of investigation, defining its powers and duties, and authorizing said committee to sit after the adjournment of the Legislature;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Downey, from the Judiciary Committee, made the following report, which was concurred in:

MR. PRESIDENT:

The Judiciary Committee, to which was referred House bill No. 91, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

House bill No. 91. A bill to provide compensation to the owners of animals killed or injured by the cars, locomotives, or carriages of any railroad company in this State, and to enforce the collection of judgments rendered on account of the same, and to repeal all laws inconsistent therewith;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Gaff,	McClurg,
Bearss,	Dickinson,	Gifford,	March,
Berry,	Douglass,	Grubb,	Moore,
Blair,	Downey,	Hartley,	Pleak,
Bradley,	Dunning,	Hord,	Reed,
Browne of R.,	Ferguson,	Jenkins,	Shields,
Campbell,	Finch,	Johnson,	Williams, and
Cobb,	Fuller,	Landers,	Wolfe—32.
Corbin,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Graves,	Mansfield,	Ray, and
Brown of Wells,	Hoagland,	Murray.	Wright—8.
Davis of Parke,			

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Johnson, chairman of the Committee on County and Township Business, submitted the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to which was directed resolution of the Senate, inquiring into the expediency of amending the act to provide for a general system of common schools, so that it shall be the duty of the Boards of County Commissioners of the several counties to appoint a School Examiner at the county seat; and also to inquire into the expediency of reducing his pay not to exceed twenty-five dollars, have had the same under consideration, and have directed me to report the resolution

back, and recommend that it is inexpedient to legislate upon the subject, and that the resolution lie upon the table ;

Which was concurred in.

Mr. McClurg, from the Committee on Enrolled Bills, submitted the following :

MR. PRESIDENT :

The Committee on Enrolled Bills to whom was referred Senate bill No. 30, introduced by the Senator from Dearborn, have compared the enrolled copy with the original bill, and find it correctly enrolled.

Mr. Browne of Randolph, presented a memorial from the officers and soldiers of the 19th regiment of Indiana volunteers ;

Which was read, and referred to the Committee on Federal Relations.

Mr. Ray moved to amend by taking from the table all similar memorials and resolutions from the army to the General Assembly, and that they be referred to the Committee on Federal Relations ;

Which was agreed to.

Mr. New presented a memorial from the officers and soldiers of the 20th regiment of Indiana volunteers,

Which was read.

Mr. Cobb moved to refer the memorial to the Committee on Federal Relations.

Mr. Ray made an ineffectual demand for the previous question.

Message from the House, by Mr. Whitelsy, its Clerk :

MR. PRESIDENT :

I am directed to return to the Senate the following enrolled act thereof, to-wit :

Senate enrolled act No. 30. An act to provide for the erection and repair of any bridge across a stream forming the boundary line between two counties, and to repeal all laws inconsistent therewith ; which enrolled act has received the signature of the Speaker of the House of Representatives.

The President thereupon affixed his signature to Senate enrolled act No. 30, referred to in the foregoing message.

On motion by Mr. Williams,

The Senate adjourned.

1½ O'CLOCK, P. M.

The Senate met.

The pending question being the motion of Mr. Cobb to refer the memorial of the officers and soldiers of the 20th regiment of the Indiana volunteers to the Committee on Federal Relations;

Mr. Cobb demanded the previous question.

The ayes and noes were demanded by Messrs. Johnson and Brown of Wells, and being taken, resulted as follows: Ayes 27, noes 14.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hoagland,	Marshall,
Bradley,	Dunning,	Hord,	Murray,
Brown of Wells,	Ferguson,	Jenkins,	Ray,
Cobb,	Finch,	Johnson,	Shields,
Corbin,	Fuller,	Landers,	Williams,
Davis of Cass,	Gifford,	McClurg,	Wilson, and
Douglass,	Graves,	March,	Wolfe—27.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Dickinson,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed, and
Berry,	Culver,	Melletts,	White—14.
Blair,	Davis of Parke,	New,	

So the Senate seconded the demand for the previous question.

The memorial was then referred to the Committee on Federal Relations.

Message from the Governor, by Private Secretary, Mr. Holloway:

MR. PRESIDENT:

I am directed by the Governor to inform your honorable body that he has approved and signed Senate bill No. 30, "an act to provide for the erection and repair of any bridge across a stream forming the boundary line between two counties, and to repeal all laws inconsistent therewith," and has caused a copy of the same to be filed in the office of the Secretary of State.

Mr. Fuller, from the Committee on Manufactures, submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on Manufactures, to whom was referred House bill No. 149, have had the same under consideration, and a majority have directed me to refer the same back, with the recommendation that it pass.

On motion by Mr. Bradley,

House bill No. 149, a bill supplemental to "an act for the incorporation of manufacturing and mining companies, for mechanical, chemical and building purposes, approved May 20, 1852, and to repeal the eleventh and fourteenth sections of said act,"

Was taken up and read a third time now.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hoagland,	Murray,
Bearss,	Davis of Cass,	Hord,	New,
Berry,	Dickinson,	Jenkins,	Pleak,
Blair,	Douglass,	Johnson,	Ray,
Bradley,	Downey,	Landers,	Reed,
Browne of R.,	Dunning,	McClurg,	Shields,



Brown of Wells,	Ferguson,	Mansfield,	White,
Campbell,	Finch,	March,	Williams,
Claypool,	Fuller,	Marshall,	Wilson,
Cobb,	Gifford,	Melletts,	Wolfe, and
Corbin,	Graves,	Moore,	Wright—44.
Culver,			

Nays none.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Johnson, chairman of the Committee on Township and County Business, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on County and Township Business, to which was referred Senate bill No. 54, A bill to correct the east boundary of the county of Blackford, have had the same under consideration, and directed me to report the same back with the following amendment, and when so amended, recommend its passage :

Amend the bill by inserting the following preamble :

WHEREAS, The eastern boundary of Blackford, at the time of its organization, and for years afterward, was on the section line running north from the south-east corner of section five, township twenty-two, range twelve, east, to the line dividing townships twenty-three and twenty-four, thence east to the south-east corner of section thirty-two, township twenty-four, north of range twelve, east, thence north to the north-east corner of section five, in township twenty-four, range twelve, east ;

AND WHEREAS, By the eighth section of an act entitled an act dividing the State into counties, defining the jurisdiction of such as border on the Ohio and Wabash rivers, approved June 7, 1852, the east boundary of said county is by mistake made to run from the south-east corner of said section five, in township twenty-two, north to the line dividing townships twenty-three and twenty-four, thence east to the south-west corner of section thirty-two, township twenty-four, range twelve, east, thence north to the north-west

corner of section five, in township twenty-four, north of range twelve, east, making a difference of six sections;

AND WHEREAS, The territory lying between the above two boundary lines, has been taxed by and considered as a part of the county of Blackford a greater part of the time since the passage of said act in 1852, although actually lying within the county of Jay according to the lines of the last mentioned boundary; therefore, in order to correct said mistake,

Strike out the two last lines of the amended section, and in their place insert the following: "North in the section line to the line dividing townships twenty-three and twenty-four, thence east to the south-east corner of section thirty-two, township twenty-four, north of range twelve, east, thence north, in the section line, to the place of beginning."

Mr. Ferguson asked and obtained leave of absence for Mr. Bearss, until Monday next at 2 o'clock, P. M.

Mr. Claypool asked and obtained leave of absence for Mr. Johnson till Monday next at 2 o'clock P. M.

Leave being granted,

Mr. Hord introduced

Senate bill No. 172. An act to amend section one of an act entitled "An act to amend an act entitled 'an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,'" approved June 18, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Landers, from the Committee on Elections, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 141, A bill to amend the 57th, 59th, and 60th sections of an act entitled an

act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852, have had the same under consideration, and directed me to report the same back and recommend its passage;

Which was concurred in.

On motion by Mr. Graves,

Senate bill No. 110 was taken from the table, and ordered to be engrossed for a third reading on to-morrow.

On motion by Mr. Hord,

Senate bill No. 23. An act to amend section 13 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases, approved June 9, 1852, as amended by an act approved March 9, 1861;

Was taken up and read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hord,	New,
Berry,	Douglass,	Jenkins,	Pleak,
Bradley,	Downey,	Landers,	Ray,
Browne of R.,	Dunning,	McClurg,	Reed,
Brown of Wells,	Ferguson,	March,	Shields,
Campbell,	Finch,	Marshall,	White,
Claypool,	Fuller,	Mellett,	Wilson,
Corbin,	Gifford,	Moore,	Wolfe, and
Davis of Parke,	Graves,	Murray,	Wright—36.
Davis of Cass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs. Blair and Hoagland—2.

Senator Bearss was excused from voting.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 78. An act to amend the eighth section of an act in relation to county treasurers, approved June 4, 1852;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Landers,	Ray,
Berry,	Downey,	McClurg,	Reed,
Blair,	Dunning,	March,	Shields,
Brown of Wells,	Ferguson,	Marshall,	White,
Campbell,	Finch,	Melletts,	Williams,
Corbin,	Gifford,	Moore,	Wilson,
Davis of Parke,	Graves,	Murray,	Wolfe, and
Davis of Cass,	Hoagland,	New,	Wright—34.
Dickinson,	Hord,	Pleak,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.            Browne of R.,    Claypool, and    Fuller—3.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Senate bill No. 87. An act for the punishment of officers of elections for receiving the ballots of unqualified persons, and for counting and returning such votes, for abstracting or destroying ballots voted, so that such votes shall be lost in the count and return, for removing ballots voted or substituting others instead thereof, for changing the names or officer voted for on the ballots, for falsely reading or counting any name or officer voted for, writing spurious or false names on any poll book, for depositing spurious or false ballots, for making false counts of votes, and for making false returns of the votes cast at any election authorized by law, to be held in this State;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hord,	Pleak,
Blair,	Douglass,	Jenkins,	Ray,
Browne of R.,	Downey,	Landers,	Reed,
Brown of Wells,	Dunning,	McClurg,	Shields,

Campbell,	Ferguson,	March,	White,
Claypool,	Finch,	Marshall,	Williams,
Cobb,	Fuller,	Melletts,	Wilson,
Corbin,	Gifford,	Moore,	Wolfe, and
Davis of Parke,	Graves,	Murray,	Wright—38.
Davis of Cass,	Hoagland,	New,	

Noes none.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Davis of Cass,

Senate bill No. 138, an act to amend the title of an act providing for the increasing of the capital stock, and the Directors of railroad companies, approved June 17, 1852 ;

Was taken up and read a third time.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Jenkins,	New,
Berry,	Downey,	Landers,	Pleak,
Brown of Wells,	Dunning,	McClurg,	Ray,
Campbell,	Ferguson,	Mansfield,	Reed,
Claypool,	Finch,	March,	Shields,
Cobb,	Fuller,	Marshall,	White,
Corbin,	Gifford,	Melletts,	Williams,
Davis of Parke,	Graves,	Moore,	Wolfe, and
Davis of Cass,	Hoagland,	Murray,	Wright—38.
Dickinson,	Hord,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Mr. Browne of R—1.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Senate bill No. 103. An act to amend sections 18 and 26 of an

act regulating general elections, and prescribing the duties of officers in relation thereto, approved June 17, 1852;

Was read a third time.

The question being, shall the bill pass?

On motion by Mr. Cobb,

A call of the Senate was ordered, and the following Senators answered to their names:

Messrs.	Douglass,	Jenkins,	New,
Berry,	Downey,	Landers,	Pleak,
Blair,	Dunning,	McClurg,	Ray
Browne of R.,	Ferguson,	Mansfield,	Shields,
Brown of Wells,	Finch,	March,	White,
Claypool,	Fuller,	Marshall,	Williams,
Cobb,	Gifford,	Melletts,	Wilson,
Corbin,	Graves,	Moore,	Wolfe, and
Davis of Parke,	Hoagland,	Murray,	Wright—37.
Dickinson,	Hord,		

On motion by Mr. Browne of Randolph,

Further proceedings under the call was dispensed with.

Mr. Browne of Randolph moved to recommit the bill with the following instructions:

To amend so that Judges, Inspectors or Clerks shall not inspect and compare the numbers on ballots with the number on the poll-books; nor shall they permit any other person to do so; nor shall the County Clerk permit such ballots to be inspected; nor shall he do so himself, except when the same is required in a judicial investigation, and to add proper penalties for a violation of the above requirements.

On motion by Mr. Landers,

The bill and pending amendment was referred to a select committee of three, namely: Messrs. Browne of Randolph, Landers, and Cobb.

Mr. Claypool made an ineffectual motion to adjourn.



On motion by Mr. Landers,

Bills on their second reading were taken up.

Senate bill No. 158. A bill to provide for the printing and binding of two thousand copies of the laws passed at the regular session of the General Assembly, in the year 1863, in the German language, and for the distribution and sale of the same ;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 159. A bill regulating the fees to be charged for the services of the Clerk of the Supreme and Circuit Court, and County Auditors, the disposition to be made of the same, and to repeal all laws inconsistent therewith ;

Was read a second time, and referred to the Committee on County and Township Business.

Leave being granted,

Mr. Ray introduced

Senate bill No. 173. A bill to amend sections 6 and 28 of an act "entitled an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852 ;

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Wright,

Senate bill No. 167. A bill to authorize the sale of land deeded to the State by M. G. Bright, lying in Jasper and Newton counties, and prescribing the manner of making such sale, and granting pre-emption to actual settlers on said lands ;

Was taken up and referred to the Committee on Finance.

Senate bill No. 168. A bill to prevent the abandonment of plank, turnpike, McAdamized and gravel roads in certain cases, and declaring who shall not be liable to pay toll on such roads, in certain cases ;

Was read a second time, and referred to the Committee on Corporations.

On motion by Mr. Browne of Randolph,  
The Senate adjourned.

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MONDAY, 8½ o'clock, A. M., }  
March 2, 1863. }

Senate met.

On motion by Mr. Cobb,

The absentees were noted on the Journal, viz :

Messrs.	Claypool,	McClurg,	Ray,
Berry,	Culver,	Mellett,	Teegarden, and
Blair,	Grubb,	New,	White—11.

The Journal of Saturday was read and approved.

Mr. Murray from the majority of the Committee on State Prisons, submitted the following report :

MR. PRESIDENT :

The majority of the Committee on State Prisons, to which was referred Senate bill No. 155, requiring all persons hereafter sentenced to the State Prison, to be conveyed to the State Prison at Jeffersonville, &c., have instructed me to report the same back with the recommendation that it be laid upon the table.

Mr. Ferguson, from the minority of the Committee on the State Prisons, submitted the following :

MR. PRESIDENT :

The undersigned, a minority of the Committee on the State Prison, to which was referred Senate bill No. 155, introduced by Senator Bradley, cannot concur with the majority of the commit-

tee in their recommendation to lay said bill upon the table for the following reasons :

Two main propositions are contained in the bill :

1. Requiring all prisoners hereafter convicted to be conveyed to the southern prison.

2. Providing for the removal of convicts from one prison to the other, whenever the interest of the State required it, or when such removal shall become necessary for the safe confinement of the convicts.

The bill does not interfere, in any manner, with the construction of the northern prison, should an appropriation be made for that purpose. The law authorizing the location and construction of the northern prison provided for the employment of 150 convicts in the work. About 130 convicts are now confined in that prison, only 20 less than was contemplated by the law should be sent to that prison prior to its completion. It was not the intention of the legislature, in the passage of the first act in regard to the new prison, to make it a receiving prison until its completion. At the extra session, in 1861, the condition of the southern prison was such that a removal of a portion of the convicts became absolutely necessary. The prison was crowded. The convicts idle, with little prospect of finding employment for them, and, in consequence of having no employment, became mischievous, and gave frequent manifestations of a mutinous disposition. Under such circumstances, the Legislature passed an act authorizing the removal of 200 convicts to the northern prison, and providing that all prisoners thereafter convicted, in certain counties, should be conveyed to said prison.

Since then the southern prison has entirely recovered from its embarrassment. Only 190 convicts are now confined within its walls, while the prison has the most complete arrangement for the safe confinement of 425, that being the number of cells, of the strongest character. All able bodied convicts are profitably employed, and not a dollar of appropriation is asked for the support of the prison for the next two years. An increase of force is greatly needed in the tobacco shop, the shoe shop, and probably other departments, and the labor of every convict sent there can be put under lease from the day he is received. We have ample reason to believe that if the number of convicts is materially increased, the

institution, instead of being a drain upon the treasury, will not only sustain itself, but have a surplus over and above its expenses.

We respectfully submit, as our opinion, that not another convict should be sent to the northern prison in its present condition. Most assuredly it should not be made a general receiving prison until a sufficient number of cells are completed for the safe keeping of the convicts. True, splendid workshops have been erected. No better could be asked for or expected. But not a single cell has made its appearance. The large and expensive guard force rendered necessary under such circumstances, the frequent escapes and large expense incurred in efforts to recapture, are sufficient arguments in favor of our position on this subject, especially when taken in connection with the fact that an increase of convicts in the southern prison, under its present arrangement, will create only a trifling guard expense, in addition to the present expenses.

But it may be urged that the number of convicts now in the northern prison will be gradually reduced by expiration of their terms of sentence, until an insufficient number proper to be employed in construction remain. Such an objection cannot be applied to the bill under consideration, for the bill itself provides for the removal of convicts from one prison to the other whenever the interest of the State requires it, so that whatever number may be required at any time, may be easily removed from the southern prison.

But is it certain that this Legislature, at its present session, will make any appropriation for the immediate completion of the northern prison? If such an appropriation is doubtful, the bill, by all means, ought to become the law, for the reason heretofore stated, that the prison ought not to become a general receiving prison until it has more facilities for the accommodation and safe keeping of the convicts than now exist, and under the present law there is no authority for the removal of any prisoner, no matter how necessary it may become to cause such removal.

The undersigned, therefore, recommend the passage of the bill.

C. P. FERGUSON,  
AUG. BRADLEY,  
THOS. R. COBB,  
S. K. WOLFE,  
G. W. FINCH.

Mr. Browne of Randolph moved to lay the bill on the table.

The ayes and noes were demanded by Messrs. Brown of Wells and Browne of Randolph, and being taken, resulted as follows :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hartley,	Marshall,
Browne of R.,	Douglass,	Hoagland,	Murray,
Brown of Wells,	Dunning,	Landers,	New,
Campbell,	Gifford,	McClurg,	Reed, and
Corbin,	Graves,	Mansfield,	Wright—20.
Davis of Cass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Hord,	Pleak,
Berry,	Downey,	Jenkins,	Shields,
Blair,	Ferguson,	March,	Williams,
Bradley,	Finch,	Melletts,	Wilson, and
Claypool,	Fuller,	Moore,	Wolfe—20.
Cobb,			

So the motion was rejected.

Mr. Graves moved to recommit the bill to the Committee on State Prisons, with instructions to inquire into the expediency of continuing the Northern State Prison.

The ayes and noes were demanded by Messrs. Murray and Graves, and being taken, resulted as follows—ayes 22, noes 17 :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hartley,	Murray,
Browne of R.,	Douglass,	Hoagland,	New,
Brown of Wells,	Downey,	Landers,	Reed,
Campbell,	Dunning,	McClurg,	Wilson, and
Corbin,	Gifford,	Marshall,	Wright—22
Davis of Cass,	Graves,	Moore,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Cobb,	Jenkins,	Pleak,
Berry,	Ferguson,	Mansfield,	Shields,

Blair,	Finch,	March,	Williams, and
Bradley,	Fuller,	Melletts,	Wolfe—17.
Claypool,	Hord,		

So the bill was recommitted.

Mr. Corbin submitted the following report:

MR. PRESIDENT:

The Committee on State Prisons, to whom was referred Senate bill No. 170, have had the same under consideration, and a majority of said committee have directed me to report the same back with the following amendment, and when so amended do recommend its passage:

1st. Amend the title by inserting after the word "first," the words "seventh" and "ninth."

2d. Amend section one by inserting the words "seventh" and "ninth" after the word "first."

3d. By adding to the fifth section the following: "And after two years no Deputy Warden shall be employed."

4th. By adding at the end of the sixth section the following: "Which sum shall be the full amount said directors shall be entitled to receive for any cause whatever, connected with their said office."

5th. So amend the seventh section as to make the salary of the Warden twelve hundred dollars per annum, and that of the Moral Instructor six hundred and fifty dollars per annum.

6th. By adding to said act the following sections, to-wit:

Sec. 12. The offices of Superintendent and Architect are hereby abolished, and all appointments of such officers who may have been appointed heretofore, shall, after the taking effect of this act, be revoked, and become null and void.

Sec. 13. As there is now in force no law for carrying out the provisions of this act, and there is an immediate necessity for such provisions, it is hereby declared that there is an emergency for the



immediate taking effect thereof, and the same shall take effect from and after its passage.

Mr. Ferguson made an ineffectual motion to concur in the report of the committee, with an amendment striking out six hundred and fifty dollars.

The report was then concurred in.

Mr. Browne of Randolph, from a select committee, submitted the following report, which was concurred in:

MR. PRESIDENT:

The select committee to which was referred Senate bill No. 103, A bill to amend sections 18 and 26 of an act regulating general elections, and prescribing the duties of officers in relation thereto, approved June 7, 1852, introduced by Mr. Landers, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendments, and when so amended, the committee recommend its passage:

1st. Amend by adding after the word "opened," in the sixty-second line of section two of the bill, the following words: "at any time after proceedings of contest have been instituted."

2d. Amend the bill by adding at the end of the second section:

"Provided that judges, inspectors, or clerks of election, shall not, when holding the election or counting the ballots, inspect and compare the numbers on the ballots with the numbers on the poll books, nor shall they permit any other person to do so, nor shall the Clerk of the Circuit Court permit such ballots to be thus inspected, nor shall he do so himself, after the ballots are placed in his custody, except as in this act provided."

The question being, shall the bill pass?

Mr. Graves moved to recommit the bill, with the following instructions:

Amend so that no tickets shall be numbered except those voted by persons whose votes are challenged, or as to whose right to vote the judges of the election entertain doubts, and that in all such

cases their names shall be indorsed upon the tickets, but in no other cases.

Mr. Cobb moved to lay the motion on the table.

The ayes and noes were demanded by Messrs March and Landers, and being taken, resulted as follows—ayes 26, noes 15:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hartley,	New,
Berry,	Downey,	Hord,	Ray,
Browne of R.,	Dunning,	Jenkins,	Shields,
Brown of Wells,	Ferguson,	Landers,	Williams,
Cobb,	Finch,	McClurg,	Wilson, and
Corbin,	Fuller,	Marshall,	Wolfe—26.
Davis of Cass,	Gifford,	Moore,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Mansfield,	Pleak,
Blair,	Dickinson,	March,	Reed,
Campbell,	Graves,	Mellett,	White, and
Claypool,	Hoagland,	Murray,	Wright—15.

So the motion to recommit lies on the table.

Mr. Landers demanded the previous question,  
Which was seconded by the Senate.

The question recurring on the passage of the bill,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hord,	Murray,
Berry,	Dunning,	Jenkins,	New,
Browne of R.,	Finch,	Landers,	Ray,
Brown of Wells,	Fuller,	McClurg,	Shields,
Campbell,	Gifford,	Mansfield,	Williams,
Cobb,	Hartley,	Marshall,	Wilson, and
Corbin,	Hoagland,	Moore,	Wolfe—27.
Davis of Cass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Graves,	Reed,
Blair,	Dickinson,	March,	White, and
Bradley,	Downey,	Mellet,	Wright—15.
Claypool,	Ferguson,	Pleak,	

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Cass, from the Committee on Corporations, submitted the following report:

MR. PRESIDENT:

The Committee on Corporations, to which was referred Senate bill No. 168, introduced by Mr. Ferguson, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Which was concurred in.

Mr. Cobb, from the Committee on State Prisons, submitted the following report:

MR. PRESIDENT:

The Committee on State Prisons, to whom was referred Senate bill No. 154, "an act to amend sections 3, 5 and 6 of an act to provide for the government and discipline of the State Prison, and to repeal an act to provide for the government and discipline of the State Prison, approved March 3, 1855, and all other laws, or parts of laws, inconsistent herewith," approved February 5, 1857, have had the same under consideration, and have directed me to report the same back, with the following amendments:

Strike out the word "eight," in section 6, line 6, and insert the word "nine."

Also, insert after the word "hundred," and before the word "dollars," the word "fifty," in section 6, line 10;

And when so amended, to recommend its passage.

Mr. Ray moved to indefinitely postpone the bill.

Mr. Cobb moved to lay the motion on the table.

The ayes and noes were demanded by Messrs. Ray and Claypool, and being taken, resulted as follows: Ayes 27, noes 14.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Corbin,	Hoagland,	Moore,
Berry,	Dickinson,	Jenkins,	Murray,
Blair,	Douglass,	Landers,	New,
Bradley,	Dunning,	McClurg,	Shields,
Browne of R.,	Gifford,	March,	White,
Campbell,	Graves,	Marshall,	Wolfe, and
Cobb,	Hartley,	Melletts,	Wright—27.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Hord,	Reed,
Brown of Wells,	Ferguson,	Mansfield,	Williams, and
Claypool,	Finch,	Pleak,	Wilson—14.
Davis of Parke,	Fuller,	Ray,	

So the motion was laid on the table.

Mr. Browne of Randolph, from the Judiciary Committee, submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on the Judiciary, to which was referred House bill No. 57, entitled "an act to provide that the value of United States Government stamp duties, required and used on original process, certificates, bonds, appraisement, deeds of conveyance by Sheriffs, and other instruments, shall, in all actions, be taxed and collected as other costs in said action," have had the same under consideration, and have instructed me to report the same back to the Senate with a recommendation that the same be passed.

On motion by Mr. Bradley,

The Senate adjourned.

1½ o'clock, P. M.

Senate met.

On motion by Mr. Murray,

The pending question was informally passed over.

Mr. Ray submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 140, entitled "an act to enforce the 13th article of the Constitution of this State, have had the same under consideration, and have instructed me to report the same back with the following amendments, viz:

Strike out all of the second line of the sixth section.

Add to the fourth section the following words, viz:

*Provided*, That all negroes and mulattoes heretofore registered and certificated under any law of this State, or which may hereafter be once registered and certificated under this law, shall not be again summoned by the Clerk under the provisions of this law.

Strike out all of section No. 12, and insert in lieu thereof the following, viz:

The Boards of County Commissioners of the several counties are hereby authorized and required to make such Assessors, Clerks and Sheriffs such allowance for their services as they may deem just, not exceeding the compensation now allowed by law for similar services.

Also, add the following section, viz:

SEC. 14. WHEREAS, An emergency exists for the immediate taking effect of this act, wherefore it is declared to take effect, and be in force from and after its passage and publication in the *Daily State Sentinel* and *Indianapolis State Journal*.

Mr. March moved to amend by striking out so much of the bill as compels the Clerk, under penalty, to summon all negroes before him for trial as to his right of residence in the State, whether complaint be made or not.

Mr. Landers demanded the previous question.

The ayes and noes were demanded by Messrs. Cobb and Browne of Randolph, which being taken, resulted as follows: Ayes 23, noes 20.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hartley,	Marshall,
Bradley,	Ferguson,	Hoagland,	Moore,
Brown of Wells,	Finch,	Jenkins,	Ray,
Cobb,	Fuller,	Johnson,	Shields,
Corbin,	Graves,	Landers,	Williams, and
Douglass,	Gifford,	McClurg,	Wilson—23.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Culver,	Mansfield,	Pleak,
Bearss,	Davis of Parke,	March,	Reed,
Berry,	Davis of Cass,	Melletts,	White,
Browne of R.,	Dickinson,	Murray,	Wolfe, and
Campbell,	Downey,	New,	Wright—20.
Claypool,			

So the demand for the previous question was not seconded.

Mr. Wolfe moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. March and Browne of Randolph, and being taken, resulted as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hoagland,	Moore,
Bradley,	Dunning,	Jenkins,	Ray,
Brown of Wells,	Ferguson,	Johnson,	Shields,
Cobb,	Finch,	Landers,	Williams,



Corbin,	Fuller,	McClurg,	Wilson, and
Davis of Cass,	Gifford,	Marshall,	Wolfe—25.
Douglass,	Hartley,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Mansfield,	Pleak,
Bearss,	Culver,	March,	Reed,
Berry,	Davis of Parke,	Mellett,	White, and
Browne of R.,	Dickinson,	Murray,	Wright—18.
Campbell,	Graves,	New,	

So the amendment was laid on the table.

Mr. Wolfe offered the following amendment:

Sec. —. In any prosecution under this act, it shall be competent for the defendant to show in his defense that such negro or mulatto was duly registered in some other county of the State, and for that purpose the certificate of the clerk of such county, showing the fact as contained in such register shall be prima facie evidence thereof. And in all prosecutions under this act, if it shall appear by the register of negroes or mulattoes, on file in the clerk's office of the county where said offense is charged to have been committed, that such negro or mulatto, so coming into the State, or so employed, or encouraged to remain in the State, is not registered therein as provided by law, it shall be prime facie evidence of the fact that such negro or mulatto has come into the State subsequent to the thirty-first day of October, in the year one thousand eight hundred and fifty-one.

Mr. Ray demanded the previous question.

The ayes and noes were demanded by Messrs. Browne of Randolph and March, and being taken, resulted as follows: Ayes 24, noes 19:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Moore,
Bradley,	Finch,	Jenkins,	Ray,
Brown of Wells,	Fuller,	Johnson,	Shields,
Cobb,	Gifford,	Landers,	Williams,

Corbin,	Graves,	McClurg,	Wilson and
Davis of Cass,	Hartley,	Marshall,	Wolfe—24.
Douglass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Dunning,	New,
Bearss,	Culver,	Mansfield,	Pleak,
Berry,	Davis of Parke,	March,	Reed,
Browne of R.,	Dickinson,	Melletts,	White, and
Campbell,	Downey,	Murray,	Wright—19.

So the demand for the previous question was not seconded.

On motion by Mr. Shields,

The further consideration of the subject was postponed until to-morrow morning at ten o'clock.

Mr. Shields offered the following resolution, which was adopted:

*Resolved*, That members of the Senate be restricted to five minutes in debate during the remainder of this session, unless by unanimous consent of the Senate.

Mr. Downey submitted the following report, which was concurred in:

MR. PRESIDENT:

The select committee to which was referred Senate bill No. 164, have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendments, and when so amended, to recommend its passage:

Strike out of the first section, at line four, the words: "two Senators and three Representatives," and insert, "one Senator and two Representatives."

Strike out Section seven, and insert the paper marked "A."

Insert after the seventh section the papers marked "B."

Change the number of the last section from eight to nine.

Add to the title these words: "Appointing an auditing committee, defining its duties, and fixing its compensation."

Sec. 7. The said auditing committee may meet and adjourn, from time to time, as the business before it may require. The members shall receive for their services the *per diem* and mileage allowed to the members of the Legislature while engaged in such service, which *per diem* and mileage, together with the *per diem* of the clerk, and other necessary expenses, shall be certified to the Auditor, and allowed and paid out of the Treasury as other claims allowed by the committee. Should a vacancy occur in the member from the Senate, the President of the Senate shall fill the same, and should a vacancy occur in either or both members from the House, the Speaker of the House shall fill the same.

Sec. 8. The said auditing committee shall also perform and discharge any and all duties authorized and required of the auditing committee provided for in the fifth section of the act entitled an act making additional appropriations for the years 1861 and 1862, and defining the funds from which they are to be paid, and providing for a committee to audit claims upon said appropriation, and providing for the expenses thereof, approved May 31, 1861, and they shall discharge such other and further duties as may be required of them by law.

Mr. Cobb moved to take up House Joint Resolution No. 15, A joint resolution of thanks to the soldiers of Indiana, and providing for the registry and preservation of the names of those who have fallen in the service of their country during the present war;

Which was agreed to.

The pending question being to strike out \$500,

Mr. Cobb moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. March and Mansfield, and being taken, resulted as follows: Ayes 24, noes 17:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dunning,	Hartley,	Marshall,
Bradley,	Ferguson,	Hoagland,	Murray,
Brown of Wells, Finch,	Jenkins,	Ray,	

Cobb,	Fuller,	Johnson,	Williams,
Corbin,	Gifford,	Landers,	Wilson, and
Douglass,	Graves,	McClurg,	Wolfe—24.
Downey,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Culver,	March,	Pleak,
Bearss,	Davis of Parke,	Melletts,	Shields,
Berry,	Davis of Cass,	Moore,	White, and
Blair,	Dickinson,	New,	Wright—17.
Claypool,	Mansfield,		

So the amendment was laid on the table.

Mr. Bearss moved to amend as follows :

Strike out “ Librarian,” and insert “ Adjutant General.” Strike out \$500 and insert \$200.

Mr. Brown of Wells moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Bearss and March, and being taken, resulted as follows, ayes 27, nays 14 :

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hartley,	Moore,
Bradley,	Dunning,	Hoagland,	Murray,
Brown of Wells,	Ferguson,	Jenkins,	Ray,
Cobb,	Finch,	Johnson,	Shields,
Corbin,	Fuller,	Landers,	Williams,
Davis of Cass,	Gifford,	McClurg,	Wilson, and
Douglass,	Graves,	Marshall,	Wolfe—27.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Dickinson,	Pleak,
Bearss,	Claypool,	March,	White, and
Berry,	Culver,	Melletts,	Wright—14.
Blair,	Davis of Parke,	New,	

So the amendment was laid on the table.

Mr. Graves offered the following amendment :

Strike out the sum of \$500, and insert "such sum as the Legislature shall hereafter deem proper to allow for the same, when the work is completed."

Mr. Bradley moved to lay the amendment on the table ;  
Which was agreed to.

On motion by Mr. Cobb,  
House joint resolution No. 15, were read a third time.

The question being shall the joint resolution pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Graves,	Moore,
Bearss,	Davis of Parke,	Hartley,	Murray,
Berry,	Davis of Cass,	Hogland,	New,
Blair,	Dickinson,	Jenkins,	Pleak,
Bradley,	Douglass,	Johnson,	Ray,
Browne of R.,	Downey,	Landers,	Shields,
Brown of Wells,	Dunning,	McClurg,	White,
Campbell,	Ferguson,	Mansfield,	Williams,
Claypool,	Finch,	March,	Wolfe, and
Cobb,	Fuller,	Marshall,	Wright—42.
Corbin,	Gifford,	Melletts,	

Noes none.

So the joint resolution passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Browne of Randolph,

House bill No. 57, an act to provide that the value of United States Government stamp duties required and used in original process, certificates, bonds, appraisements, deeds of conveyance by sheriffs, and on other instruments, shall, on all actions, be taxed and collected as other costs in said action ;

Was read a third time.

The question being, shall the bill pass ?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Graves,	Mellett,
Bearss,	Davis of Parke,	Hartley,	Murray,
Berry,	Davis of Cass,	Hoagland,	New,
Blair,	Dickinson,	Jenkins,	Pleak,
Bradley,	Douglass,	Johnson,	Ray,
Browne of R.,	Downey,	Landers,	Shields,
Brown of Wells,	Dunning,	McClurg,	White,
Campbell,	Ferguson,	Mansfield,	Williams,
Claypool,	Finch,	March,	Wolfe, and
Cobb,	Fuller,	Marshall,	Wright—41.
Corbin,	Gifford,		

Noes none.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Leave being granted,

Mr. New introduced

Senate bill No. 174, a bill to provide for taking the vote of officers and soldiers of the volunteer service in the army of the United States, from this State, at all legal elections for civil officers; also, providing for the counting of the ballots, and certifying the returns of such elections;

Which was read a first time.

Mr. New moved to suspend the rules and read the bill a second time now.

The question being taken, under a constitutional provision,

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Hartley,	Moore,
Bearss,	Davis of Cass,	Hoagland,	Murray,
Berry,	Dickinson,	Jenkins,	New,
Bradley,	Downey,	Johnson,	Pleak,
Browne of R.,	Dunning,	Landers,	Shields,
Brown of Wells,	Ferguson,	McClurg,	White,
Campbell,	Finch,	Mansfield,	Williams,



Claypool,	Fuller,	March,	Wolfe, and
Cobb,	Gifford,	Marshall,	Wright—37.
Corbin,	Graves,		

Mr. Douglass voted in the negative.

So the rules were suspended, and the bill read a second time by title only, and,

On motion by Mr. Dunning,

(Mr. Williams in the chair,)

Was referred to the Judiciary Committee.

On motion by Mr. Johnson,

Senate bill No. 124, an act to amend sections one and four of an act to provide for locating and working highways situated upon county lines, approved March 3, 1859;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Culver,	Graves,	Moore,
Bearss,	Davis of Parke,	Hartley,	Murray,
Berry,	Davis of Cass,	Hoagland,	New,
Blair,	Dickinson,	Jenkins,	Pleak,
Bradley,	Douglass,	Johnson,	Ray,
Browne of R.,	Downey,	Landers,	Shields,
Brown of Wells,	Dunning,	McClurg,	White,
Campbell,	Ferguson,	Mansfield,	Williams,
Claypool,	Finch,	March,	Wolfe, and
Cobb,	Fuller,	Marshall,	Wright—42.
Corbin,	Gifford,	Melletts,	

Nays none.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Corbin,

Senate bill No. 109, a bill requiring the County Commissioners of the several counties of this State to make allowances and issue orders therefor, in certain cases therein specified;

Was taken up, and read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Gifford,	Mansfield,
Bradley,	Douglass,	Graves,	Marshall,
Browne of R.,	Downey,	Hartley,	Moore,
Brown of Wells,	Dunning,	Hoagland,	Murray,
Campbell,	Ferguson,	Jenkins,	Ray,
Cobb,	Finch,	Landers,	Williams, and
Corbin,	Fuller,	McClurg,	Wolfe—28.
Davis of Cass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Blair,	March,	White, and
Bearss,	Davis of Parke,	New,	Wright—10.
Berry,	Johnson,	Pleak,	

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. March moved to take up

Senate bill No. 54. A bill to amend the eighth section of an act entitled an act dividing the State into counties, defining their boundaries and defining the jurisdiction of such as border on the Ohio and Wabash rivers, approved June 7, 1852;

Was read a third time.

Mr. Brown of Wells moved to indefinitely postpone the bill.

Pending which,

On motion by Mr. March,

The Senate took a recess until 7½ o'clock.

7½ O'CLOCK, P. M.

The Senate met.

Leave being granted,

Mr. March introduced

Senate bill No. 175. A bill to authorize the settlement of the estates of decedents out of court;

Which was read a first time, and passed to a second reading on to-morrow.

Leave being granted,

Mr. Downey offered the following resolution:

WHEREAS, The General Government, aided by the loyal States, is engaged in putting down a wicked rebellion, which was commenced and had been continued without justification or adequate cause;

AND WHEREAS, It is fit and proper that the Senate should express, in a temperate but firm and unequivocal manner, the conviction of its members in regard to the duty of the State and its citizens in the present crisis; therefore,

*Resolved*, 1st. That we recognize, to the fullest extent, the duties and obligations of allegiance, fidelity and loyalty to the Federal Government and the Government of the State, each in its proper sphere.

2d. That any violation, or alleged violation of the Constitution of the United States, by any of the co-ordinate departments of the Government, while it may be a reason for displacing those who may be guilty thereof from the positions of public trust which they occupy, by an application to the proper tribunal, or by an appeal to the peaceful arbitrament of the ballot-box, does not release the citizen from his obligation to support the Government in that which is constitutional and right.

3d. That the obligations of allegiance, at all times, but more especially in times like these, when the Federal Government is threatened with overthrow and destruction, require not only a passive obedience, but an active, unceasing and united effort to suppress rebellion, to assert and maintain the supremacy of the Constitution, and to enforce the laws.

4th. But we recognize the right of any and every citizen to oppose, by writing, speaking, and by his suffrage, the measures of any party, and to insist upon a different line of policy, whether such party be the party in power, or a party out of power, while that opposition shall be made in accordance with the Constitution and the laws, and shall be unmixed with disloyalty to the Government.

5th. That with this right conceded and secured to the citizen, there can be no occasion or excuse for resorting to other than peaceful, constitutional and legal means to displace objectionable rulers, or to correct abuses in the administration of the Government.

6th. That the present, as well as all other wars prosecuted by our Government, must be prosecuted in such a manner and for such purposes as will be sanctioned and approved by the sentiment of a majority of the people of the loyal States; for as the National Executive is dependent upon Congress for the means of carrying it on, and the Congress is composed of men freely chosen by the people, and bound to carry out the will of the people by whom they are elected, if the people are opposed to the manner in which the war is being prosecuted, or the objects sought to be accomplished, the President must change that manner or abandon that object.

7th. That if, therefore, the present war is being or shall be prosecuted by the National Executive in an improper manner, or for improper purposes, there is no occasion for extraordinary, unconstitutional, or illegal remedies. Our Constitution and Laws, when unperturbed, are such that, in due time, the people may apply the proper remedy.

8th. That we have no evidence of any desire on the part of the rebel government, or of any considerable number of the people in the rebel States, to return to their allegiance to the Government of the United States, and become obedient to its Constitution and

Laws, nor have we any assurances that any advances by us towards an adjustment of the pending difficulties would be met by a corresponding disposition on their part, but on the contrary, their object seems to be, as it has been from the beginning, to compel a permanent dissolution of the Union, by the recognition of the independence of the Southern Confederacy.

9th. That while this continues to be the case, we are opposed to an armistice, or cessation of hostilities, and in favor of a continued and more vigorous prosecution of the war; not to carry out the views of extreme men in the mere abolition of slavery, but to put down the rebellion, and compel obedience to the Constitution and the Laws.

10th. That as the contest, on our part, has been for the support of the Constitution and the perpetuation of the Union against those who sought to destroy them, we can accept no adjustment which does not fully recognize the accomplishment of these objects. We contend for the supremacy of the Constitution and the perpetuation of the Union, with all the dignity, equality, and rights of the several States unimpaired.

11th. That we owe a great and lasting debt of gratitude to the brave men who have gone to the battle-field from our heroic State, and who, by their deeds of gallantry, have given her a position for patriotism and devotion in the common cause, second to no other in the Union. Some of us have induced them thus to devote themselves to their country's cause. We will not now repudiate our obligation to them, or stultify ourselves from saying that they went to accomplish that which, from the commencement, was known to be impossible; but we will continue to support and encourage them, and, if necessary, will labor to increase their numbers, and will continue the contest, by the grace of God, till in His good time He shall see fit to crown our efforts with success.

12th. That the idea of forming a North-Western Confederacy, of attaching this State to the Rebel Confederacy, or of a reconstruction of the Union with any of the States left out, is only equalled in wickedness and folly by that which would now, or at some future, but not distant day, acknowledge the independence of the rebel States, or that which would refuse to reconstruct the

Union with any slave States in it; any and all of which we repudiate, denounce and condemn.

13th. That the President of the United States has the constitutional and legal power to call out the militia in time of invasion, insurrection, or public danger, and he alone has the power to decide where an emergency exists, which requires it. We, therefore, affirm it to be the duty of the State and the citizens to respond to such call, when made in accordance with the Constitution and the laws, and that any forcible or armed opposition and resistance to such requisition would be treasonable in its character, and would most probably lead to collision, bloodshed, and civil war in the State.

14th. That all attempts by word, letter or publication, to render the soldier dissatisfied with the service, or induce him to desert, and all efforts to prevent the capture of deserters, in order to compel them to perform the service which, by their enlistment, they are bound to perform, are regarded by us as unwise, improper, and in gross violation of law.

15th. That we regard secret and oath-bound political combinations as, at all times, improper, and especially so at the present time, and we can but express the hope that our fellow citizens will refrain from entering into, or continuing such organizations, if any such exist; that they will refrain from heated and angry discussions, and by a calm and dispassionate exercise of judgment, try to think and act together in a cause which should be equally dear to all true patriots.

16th. That we are opposed to any attempt to deprive the State Executive of any part of his Constitutional power, as Commander-in-Chief of the State Militia, but we are of opinion that the exposed condition of our southern border demands a more efficient military organization than can be had under the present law.

Mr. Downey moved that the resolutions be referred to the Committee on Federal Relations;

Which was agreed to.

Mr. Corbin submitted the following report:



MR. PRESIDENT:

The Committee on Benevolent Institutions, to whom was referred Senate bill No. 147, with certain instructions accompanying the same, have had said bill and instructions under consideration, and caused the amendments to be made in accordance with said instructions; they have also directed me to make the following further amendments:

1st. In the tenth line of the third section after the words "President," inserting the words, "of such board."

2nd. In the first line of the 5th section after the word "the," striking out the word "persons," and inserting in its stead, "such Trustees and Commissioners."

3rd. In the eleventh line of the sixth section, after the word "force," by inserting the words "relative thereto, and not inconsistent therewith."

4th. By adding after the 9th section the words, "that the claim is just and unpaid, and that the same was incurred on the account of and for the benefit of said institution, and when such amendments are made, do recommend its passage."

Mr. New, from the Minority Committee, submitted the following report:

MR. PRESIDENT:

The undersigned, a minority of the Committee on Benevolent Institutions, to whom was referred Senate bill No. 147, being a bill reorganizing the Boards of Trustees of said Institutions, would respectfully report that, in their opinion, legislation on that subject is inexpedient and unjust. They are satisfied that the present system for the government of said Institutions is the best and most economical that has yet been devised, and the reports of the several Institutions for the last two years, show that the present officers have managed the same with honesty, fidelity, and economy, and investigation into the same has confirmed the correctness of said reports; therefore, inasmuch as there is no reason for changes in the law, or officers of said Institutions, we recommend that said bill be indefinitely postponed.

JOHN C. NEW,  
JOHN L. MANSFIELD,  
J. H. MELLET.

On motion by Mr. Wolfe,

The bill and pending amendments was postponed until to-morrow morning at 9 o'clock, A. M., and made the special order for that hour.

On motion by Mr. Cobb,

Senate joint resolution No. 17, a joint resolution creating a committee of investigation, defining the power and duties, and authorizing said committee to set after the adjournment of the Legislature ;

Was read a second time.

Mr. Cobb moved to amend as follows :

By inserting in the proper place "and management of the Benevolent Institutions of the State."

Which was adopted.

Mr. New moved to amend by making the committee to consist of seven, four on the part of the Senate, and three on the part of the House ;

Which was rejected.

Mr. Johnson moved to amend as follows :

Insert in the proper place, "and that said committee shall consist of the Senator from Knox, the Senator from Ohio, and the Senator from Montgomery, on the part of the Senate ;

Which was agreed to.

Mr. Corbin moved to amend by inserting in its proper place, "and the management of the States Prison North."

Which was rejected.

Mr. Mansfield moved to amend by inserting in the proper place, "that said committee may, in their discretion, employ a Clerk at a compensation not exceeding three dollars per day."

Mr. March offered the following amendment :

The committee shall commence their investigations as soon after adjournment of this Legislature as practicable, and complete them at the earliest day possible.

The joint resolution was then ordered to be engrossed for a third reading.

Hon. Allen S. Fleming, Senator elect in the place of the Hon. Thomas Shoulders, deceased, appeared, presented his credentials, and was duly sworn by the President of the Senate, to serve as Senator from the counties of Dubois, Pike and Gibson.

On motion by Mr. Fuller,

House bill No. 42. A bill to amend the 656th and 661st sections of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleading and forms in civil actions, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852;

Which was read a second time, and

On motion by Mr. Fuller,

Was referred to the Judiciary Committee.

Leave being granted,

Mr. Moore introduced

Senate bill No. 176. A bill for the relief of Ananias W. Lowdermilk, and to authorize the transfer to him of certain lands therein described ;"

Which was read a first time, and passed to a second reading on to-morrow.

Mr. Landers submitted the following report, which was concurred in :

MR. PRESIDENT:

The Military Committee, to whom was referred Senate bill No. 31, being "a bill fixing the amount to be paid by persons claiming exemption from military duty, and providing the means for collecting the same," would report that they have had the same under advisement, and they direct me to recommend the following amendments:

Add, after the word "any," in the first section, the words "able bodied," and after the word "person," in the same section, add "liable to military duty;" strike out the word "have," in same section, and insert the word "has."

Add to the second section the following words:

"And it is hereby made the duty of the several Prosecuting Attorneys, of the Circuit Courts, in their several circuits, to institute suits in the name of the State, in their several counties for the collection of such exemption money;" and that after said amendments are made, they recommend its passage.

Mr. Murray moved to recommit with the following instructions:

To insert a section providing that in all drafts hereafter made in this State, persons claiming exemption from conscientious scruples shall be enumerated and classed with all other persons who are liable to perform military duty in this State, or in the United States.

Mr. Corbin moved the following instruction, by way of an amendment to the amendment:

That only such of the conscientious persons shall be required to pay an equivalent for exemption as may be drafted, they being listed as the militia, and drafted under the regulation for drafting the militia; also, by fixing the amount of exemption at \$300 00, the same as in the conscript act of Congress.

On motion of Mr. Blair.

The bill and pending amendments were laid on the table.

On motion by Mr. Fuller,

House bill No. 147, an act to amend the 655th section of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms, in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852;

Which was read a second time, and ordered to a third reading on to-morrow.

Mr. Cobb offered the following resolution, which was adopted :

WHEREAS, Major General Rosecrans has sent a telegraphic communication to his Excellency, Hon. O. P. Morton, in regard to deserters from the army of the United States, which communication the Governor has transmitted to this Senate for its action; therefore,

*Resolved, by the Senate,* That the Governor be requested to inform the Senate at as early a period as convenient whether or not the laws already in force are sufficient for the purpose contemplated by said communication, and if not, what legislation, if any, is necessary on the part of this General Assembly.

On motion by Mr. Ferguson,

House bill No. 130, an act to give additional powers in civil and criminal actions to the Judges of the Circuit and Common Pleas Courts during vacation ;

Was read a second time, and referred to the Judiciary Committee.

On motion by Mr. Moore,

The Senate adjourned.

TUESDAY, 8½ o'clock, A. M., }  
March 3, 1863. }

Senate met.

The journal of yesterday was being read, when,

On motion by Mr. Gifford,

Its further reading was dispensed with.

The special order for the hour being the consideration of the re-

port from the Committee on Benevolent Institutions, submitted last night on Senate bill No. 147.

The report was concurred in.

Mr. New moved to indefinitely postpone the bill.

Mr. Cobb moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. New and Bearss, and being taken, resulted as follows—ayes 24, nays 14:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hartley,	Moore,
Bradley,	Finch,	Hoagland,	Ray,
Cobb,	Fleming,	Jenkins,	Shields,
Corbin,	Fuller,	Johnson,	Williams,
Davis of Cass,	Gaff,	Landers,	Wolfe, and
Douglass,	Gifford,	McClurg,	Mr. President—24
Downey,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	March,	Teegarden,
Bearss,	Davis of Parke,	Mellet,	White, and
Blair,	Dickinson,	New,	Wright—14.
Campbell,	Graves,	Pleak,	

So the motion was laid on the table.

Mr. Corbin demanded the previous question.

The ayes and noes were demanded by Messrs. Bearss and New, and being taken, resulted as follows—ayes 28, noes 14:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Finch,	Hoagland,	Murray,
Bradley,	Fleming,	Jenkins,	Ray,
Cobb,	Fuller,	Johnson,	Shields,
Corbin,	Gaff,	Landers,	Williams,
Davis of Cass,	Gifford,	McClurg,	Wilson,
Douglass,	Graves,	Marshall,	Wolfe, and
Downey,	Hartley,	Moore,	Mr. President—28
Ferguson,			



## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	March,	Teegarden,
Bearss,	Claypool,	Melletts,	White, and
Berry,	Davis of Parke,	New,	Wright—14.
Blair,	Dickinson,	Pleak,	

So the demand for the previous question was sustained.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hartley,	Moore,
Bradley,	Ferguson,	Hoagland,	Shields,
Brown of Wells,	Finch,	Jenkins,	Williams,
Cobb,	Fleming,	Johnson,	Wilson,
Corbin,	Fuller,	Landers,	Wolfe, and
Davis of Cass,	Gaff,	McClurg,	Mr. President—26
Douglass,	Gifford,	Marshall,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Culver,	March,	Reed,
Bearss,	Davis of Parke,	Melletts,	Teegarden,
Berry,	Dickinson,	Murray,	White, and
Browne of R.,	Graves,	Pleak,	Wright—18.
Claypool,	Mansfield,	Ray,	

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. Cobb,

Senate bill No. 164. A bill providing for the payment of the Indiana Legion, and other State troops, for services in defending the Ohio river border, and provide payment of other expenses of said troops during the time of such service;

Was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hartley,	Murray,
Bearss,	Dickinson,	Hoagland,	Pleak,
Berry,	Douglass,	Jenkins,	Shields,
Bradley,	Downey,	Johnson,	Teegarden,
Browne of R.,	Ferguson,	Landers,	White,
Brown of Wells,	Fleming,	McClurg,	Williams,
Campbell,	Finch,	Mansfield,	Wilson,
Claypool,	Fuller,	March,	Wolfe,
Cobb,	Gaff,	Marshall,	Wright, and
Corbin,	Gifford,	Mellet,	Mr. President—42
Culver,	Graves,	Moore,	

Noes none.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Bradley, from the Committee on Finance, submitted the following report:

MR. PRESIDENT:

The Committee on Finance, to whom was referred "A bill to authorize the sale of land deeded to the State by M. G. Bright, lying in Jasper and Newton counties, and prescribing the manner of making such sale, and granting pre-emption to actual settlers on said land," have had the same under consideration, and instructed me to report said bill back to the Senate, and recommend its passage;

Which was concurred in.

Mr. Douglass, chairman of the Committee on Education, submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on Education, to whom was referred the accompanying resolution, requesting the committee to inquire into the expediency of so amending the common school law as to authorize the teaching of the German language in our common schools, in districts where desired, instruct me to report that such amendment is

expedient, and that a bill is now before the Senate making the amendment.

On motion by Mr. Cobb,

Senate joint resolution No. 10, a joint resolution in relation to the enlistment and arming of negroes in the army of the United States, was taken up.

Mr. Browne of Randolph moved to lay the joint resolution on the table.

The ayes and noes were demanded by Messrs Browne of Randolph and Bearss, and being taken, resulted as follows: Ayes 17, noes 27.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	Mansfield,	Pleak,
Bearss,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Browne of R.,	Dickinson,	Murray,	Wright—17.
Campbell,	Graves,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Hartley,	Moore,
Bradley,	Ferguson,	Hoagland,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fleming,	Johnson,	Williams,
Corbin,	Fuller,	Landers,	Wilson,
Davis of Cass,	Gaff,	McClurg,	Wolfe, and
Douglass,	Gifford,	Marshall,	Mr. President—27

So the motion was not laid on the table.

Mr. Bearss moved to indefinitely postpone the joint resolution.

Mr. Cobb moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Bearss and Claypool, and being taken, resulted as follows: Ayes 26, noes 17:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hartley,	Ray,
Bradley,	Ferguson,	Jenkins,	Shields,
Brown of Wells,	Finch,	Johnson,	Williams,
Cobb,	Fleming,	Landers,	Wilson,
Corbin,	Fuller,	McClurg,	Wolfe and
Davis of Cass,	Gaff,	Marshall,	Mr. President—26
Douglass,	Gifford,	Moore,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Mansfield,	Pleak,
Bearss,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Browne of R.,	Dickinson,	Murray.	Wright—17.
Campbell,	Graves,		

So the motion to indefinitely postpone was laid on the table.

Mr. Davis of Cass demanded the previous question.

The ayes and noes were demanded by Messrs. March and Bearss, and being taken, resulted as follows: Ayes 27, noes 17.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hartley,	Moore,
Bradley,	Ferguson,	Hoagland,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fleming,	Johnson,	Williams,
Corbin,	Fuller,	Landers,	Wilson,
Davis of Cass,	Gaff,	McClurg,	Wolfe, and
Douglass,	Gifford,	Marshall,	Mr. President—27

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Mansfield,	Pleak,
Bearss,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Browne of R.,	Dickinson,	Murray,	Wright—17.
Campbell,	Graves,		

So the demand for the previous question was sustained.

The question being, shall the joint resolution pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Pleak,
Bradley,	Finch,	Jenkins,	Ray,
Brown of Wells,	Fleming,	Johnson,	Shields,
Cobb,	Fuller,	Landers,	Williams,
Corbin,	Gaff,	McClurg,	Wilson,
Davis of Cass,	Gifford,	Marshall,	Wolfe, and
Douglass,	Hartley,	Moore,	Mr. President—28
Downey,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Graves,	Murray,
Bearss,	Culver,	Mansfield,	Teegarden,
Browne of R.,	Davis of Parke,	March,	White, and
Campbell,	Dickinson,	Melletts,	Wright—15.

So the joint resolution passed.

Ordered that the Secretary inform the House thereof.

Message from the House, by Mr. Whittlesey, clerk thereof:

MR. PRESIDENT:

I am directed to transmit to the Senate the following enrolled act of the House, to-wit:

House Enrolled Act No. 149. An act supplemental to an act entitled "an act for the incorporation of manufacturing and mining companies, for mechanical, chemical, and building purposes," approved May 20, 1852, and to repeal the eleventh and fourteenth sections of said act.

Which enrolled act has been signed by the Speaker of the House of Representatives, and is respectfully submitted for the signature of the President of the Senate.

The President thereupon affixed his signature to House enrolled act No. 149, contained in the foregoing message.

The special order for this hour being,

A bill to enforce the Thirteenth Article of the Constitution of this State,

The question being on Mr. March's amendment to Mr. Wolfe's amendment of yesterday.

On motion by Mr. Bradley,

The bill and pending amendments were committed to a select committee, composed of Messrs. Ray, March, Ferguson, White, and Downey, and that they be instructed to report the same back to the Senate this afternoon.

Leave being granted,

Mr. Ferguson presented a lengthy memorial, which, without reading, was referred to the Judiciary Committee.

Mr. McClurg submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Swamp Lands, to whom was referred Senate bill No. 121, entitled "an act for the relief of purchasers of swamp lands, where the sale and conveyance thereof to such purchasers was invalid, and conveyed no good and sufficient title therefor, or when the title to such lands may have failed after the sale thereof, and also declaring when such act shall take effect," together with certain instructions, have had said bill and instructions under consideration, and now beg leave to report said bill back with certain amendments, upon the adoption of which they respectfully recommend its passage :

1. Amend by re-instating the words "or from any other equally valid and just cause," in the first section.
2. Strike out all of the second section after the words "discretion of the Auditor."
3. Add the following section to the bill:

"Sec. 3. The State officers named in the first section of the bill shall give the Attorney General reasonable notice of the time and place of any application under this act, and it shall be his duty



to appear and defend such application for the interests of the State and of the Swamp Land Fund."

On motion by Mr. Cobb,

Senate bill No. 106. A bill to provide for the prompt payment of the officers and soldiers in the army of the United States, raised and organized in the State of Indiana, and to provide means for that purpose ;

Was taken up and read a third time.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hoagland,	New,
Bearss,	Douglass,	Hord,	Pleak,
Berry,	Downey,	Jenkins,	Ray,
Blair,	Ferguson,	Landers,	Shields,
Bradley,	Finch,	McClurg,	Teegarden,
Campbell,	Fleming,	Mansfield,	White,
Claypool,	Fuller,	March,	Williams,
Cobb,	Gaff,	Marshall,	Wilson,
Corbin	Gifford,	Melletts,	Wolfe,
Davis of Parke,	Graves,	Moore,	Wright, and
Davis of Cass,	Hartley,	Murray,	Mr. President-43.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

On motion by Mr. Graves,

Senate bill No. 121, reported back this morning from the Swamp Land Committee,

Was read a third time.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hord,	New,
Bearss,	Downey,	Jenkins,	Pleak,
Berry,	Ferguson,	Johnson,	Ray,
Blair,	Finch,	Landers,	Shields,
Bradley,	Fleming,	McClurg,	Teegarden,
Campbell,	Fuller,	Mansfield,	White,

Claypool,	Gaff,	March,	Williams,
Cobb,	Gifford,	Marshall,	Wilson,
Corbin,	Graves,	Mellet,	Wolfe,
Davis of Parke,	Hartley,	Moore,	Wright, and
Davis of Cass,	Hoagland,	Murray,	Mr. President-43.
Dickinson,			

So the bill passed.

Ordered, that the Secretary inform the House thereof.

On motion by Mr. Bradley,

Senate bill No. 108 was taken from the table, and ordered to be engrossed and passed for a third reading on to-morrow.

Mr. Landers, Chairman of the Committee on Military Affairs, made the following report, which was concurred in :

MR. PRESIDENT :

The Military Committee, to whom was referred Senate Joint Resolution No. 8, have had the same under consideration, and have directed me to report the same back, with a recommendation that it be laid upon the table, for the reason that a similar resolution has already passed this Senate.

On motion by Mr. Douglass,

Senate bill No. 137. A bill authorizing County Surveyors to administer oaths to viewers of roads, providing that when a Surveyor is one of the viewers, he shall not be required to take an additional oath ;

Was read a third time.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Johnson,	Pleak,
Bearss,	Downey,	Landers,	Ray,
Blair,	Ferguson,	McClurg,	Shields,
Bradley,	Finch,	Mansfield,	Teegarden,
Campbell,	Fleming,	March,	White,

Cobb,	Fuller,	Marshall,	Williams,
Corbin,	Gaff.	Melletts,	Wilson,
Culver,	Gifford,	Moore,	Wolfe,
Davis of Parke,	Hartley,	Murray,	Wright, and
Davis of Cass,	Hord,	New,	Mr. President-41.
Dickinson,	Jenkins,		

So the bill passed.

Ordered, that the Secretary inform the House thereof.

A message from the House :

MR. PRESIDENT :

I am directed to transmit to the Senate the following enrolled joint resolution of the House to-wit :

House joint resolution No. 15. A joint resolution of thanks to the soldiers of Indiana, and providing for the registry and preservation of the names of those who have fallen in the service of their country during the present war.

I am also directed to transmit to the Senate the following enrolled act of the House, to-wit :

Enrolled act of the House No. 57. An act to provide that the value of United States Government stamp duties, required and used on original process, certificates, bonds, appraisements, deeds of conveyance by sheriffs, and on other instruments, shall, in all actions, be taxed and collected as other costs in said actions.

Which joint resolution and enrolled act have been signed by the Speaker of the House of Representatives, and are respectfully submitted for the signature of the President of the Senate.

The President thereupon affixed his signature to the joint resolution and enrolled act contained in the foregoing message.

Leave being granted,

Mr. Wolfe introduced

Senate bill No. 177. A bill to divide the State into eleven Congressional districts ;

Was read a first time.

Mr. Wolfe moved a suspension of the rules, so that the bill may be read a second time.

The ayes and noes being taken under a provision of the Constitution,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Jenkins,	Moore,
Bradley,	Finch,	Johnson,	Murray,
Brown of Wells,	Fleming,	Landers,	Ray,
Cobb,	Fuller,	McClurg,	Shields,
Davis of Cass,	Gaff,	March,	Williams,
Dickinson,	Gifford,	Marshall,	Wolfe, and
Douglass,	Hartley,	Melletts,	Mr. President—29
Downey,	Hord,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Mansfield,	Teegarden,
Bearss,	Claypool,	New,	White, and
Berry,	Culver	Pleak,	Wright—13.
Blair,	Davis of Parke,		

So the rules were not suspended.

On motion by Mr. Johnson,

Senate bill No. 176, a bill for the relief of Ananias Lowdermilk, and for the conveyance of certain tracts of land therein named;

Was read a second time.

On motion by Mr. Johnson,

The bill was referred to a select committee of three, viz: Johnson, Wilson, and Downey.

Leave being granted,

Mr. Richardson introduced

Senate bill No. 177, a bill to repeal the 2d, 3d, 4th, 5th, 6th, and 7th sections of an act regulating the granting of divorces, nullification of marriages, and decree and order of court incident thereto,

approved May 13, 1852, and to provide for the separation of married persons, and their holding separate property ;

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Bearss,

The Senate adjourned.

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1½ O'CLOCK, P. M.

The Senate met.

Mr. Williams submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill No. 95, a bill supplementary to an act regulating interest on money, and to repeal an act entitled an act concerning interest, have had the same under consideration, and have directed me to report the same back and recommend that it lie on the table.

Mr. Downey, from the Judiciary Committee, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to which was referred Senate bill No. 17, have had the same under consideration, and have directed me to report the same back to the Senate and recommend that it be laid on the table, as a bill on that subject, which originated in the House, has already been passed by the Senate.

On motion by Mr. Williams,

House bill No 66, an act to amend the act entitled an act to incorporate the Wabash Navigation Company, approved Jan. 13, 1846, and to authorize the said company to raise money when necessary to make repairs on their works,

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hartley,	Murray,
Bradley,	Douglass,	Hoagland,	Pleak,
Browne of R.,	Downey,	Hord,	Ray,
Campbell,	Ferguson,	Jenkins,	Shields,
Claypool,	Finch,	Johnson,	Teegarden,
Cobb,	Fleming,	McClurg,	Williams,
Corbin,	Fuller,	March,	Wilson,
Culver,	Gaff,	Marshall,	Wolfe,
Davis of Cass,	Gifford,	Mellet,	Wright, and
Davis of Parke,	Graves,	Moore,	Mr. President—38

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Williams,

The title of the bill was amended as follows:

Strike out the present title thereto, and in lieu thereof insert the following:

“An act amendatory of and supplemental to an act entitled an act to incorporate the Wabash Navigation Company, approved Jan. 13, 1846, and authorizing said company to raise money by assessing the stockholders therein, when necessary to make repairs on the works thereof, and to invest the earnings of said company, if any surplus shall accrue.”

On motion by Mr. Douglass,

Senate bill No. 150, a bill to amend an act entitled an act to amend section 19 of an act to fix the time of holding the Common Pleas Courts in the several counties of the State, the duration of



the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, &c., approved Feb. 15, 1861;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hoagland,	Murray,
Bradley,	Downey,	Hord,	Pleak,
Browne of R.,	Ferguson,	Jenkins,	Ray,
Campbell,	Finch,	Landers,	Shields,
Claypool,	Fuller,	McClurg,	Teegarden,
Cobb,	Gaff,	March,	Williams,
Corbin,	Gifford,	Marshall,	Wolfe,
Davis of Cass,	Graves,	Melletts,	Wright, and
Dickinson,	Hartley,	Moore,	Mr. President—36

Noes none.

So the bill passed.

On motion by Mr. Corbin,

Senate bill No. 170. A bill repealing sections one, two and twelve of an act entitled an act to provide for the erection of a new Prison North of the National Road, election of officers therefor, making appropriations, and for the regulation of the same, approved March 5, 1859, amends an act supplemental thereto, providing the election of officers for the Northern Prison, prescribing some of their duties, providing for the government of said Prison, and other matters properly connected therewith, and continuing in force all laws applicable thereto and not inconsistent therewith.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hoagland,	New,
Bradley,	Ferguson,	Hord,	Pleak,
Browne of R.,	Finch,	Jenkins,	Ray,
Campbell,	Fleming,	Landers,	Teegarden,
Claypool,	Fuller,	McClurg,	Williams,

S. J.—38

Cobb,	Gaff,	March,	Wilson,
Corbin,	Gifford,	Melletts,	Wolfe,
Davis of Cass,	Graves,	Moore,	Wright, and
Dickinson,	Hartley,	Murray,	Mr. President—36
Douglass,			

Mr. Shields voted in the negative.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Ferguson,

Senate bill No. 146. A bill granting the use of the State Prison at Jeffersonville to the United States for the imprisonment of criminals convicted of offenses against the United States, directing the Warden of said Prison to receive such prisoners, and prohibiting the officers of the Northern State Prison from receiving the same; Was read the third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hartley,	Murray,
Blair,	Downey,	Hoagland,	Pleak,
Bradley,	Ferguson,	Jenkins,	Ray,
Browne of R.,	Finch,	Landers,	Shields,
Campbell,	Fleming,	McClurg,	Williams,
Claypool,	Fuller,	March,	Wilson,
Cobb,	Gaff,	Marshall,	Wolfe,
Corbin,	Gifford,	Melletts,	Wright, and
Davis of Cass,	Graves,	Moore,	Mr. President—36
Dickinson,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs. New and Teegarden—2.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Landers,

Senate bill No. 141. An act to amend sections fifty-seven, fifty-nine and sixty of an act entitled an act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852;

Was read a third time.

Mr. Landers, by unanimous consent, amended the bill by inserting the word "knowingly" before the word "offer."

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hord,	New,
Bearss,	Finch,	Jenkins,	Pleak,
Berry,	Fleming,	Johnson,	Shields,
Bradley,	Fuller,	Landers,	Teegarden,
Browne of R.,	Gaff,	McClurg,	Williams,
Cobb,	Gifford,	Marshall,	Wilson,
Corbin,	Graves,	Melletts,	Wolfe,
Davis of Parke,	Hartley,	Moore,	Wright, and
Davis of Cass,	Hoagland,	Murray,	Mr. President—36
Douglass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs. Blair, Campbell, Claypool and Culver—4.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Ray asked and obtained leave of absence for Messrs. Ferguson, March, White, and Downey, and himself, for a few moments.

On motion by Mr. Murray,

The Senate proceeded with the consideration of Senate bills on their third reading.

Senate bill No. 107. A bill to repeal an act making an appropriation to defray the expense of preparing to respond to the call of the President of the United States for troops;

Was read a third time.

On motion by Mr. Williams,

The further consideration of the bill was postponed until to-morrow at 2 o'clock, P. M.

Senate bill No. 110. An act to create the Sixteenth Judicial Circuit, to provide for the appointment and election of a Prosecuting Attorney, and a Judge therein, and also to provide for holding the terms of courts therein, and the return to said courts of all process, recognizances and notices of publication heretofore or hereafter issued and taken by the present Circuit Courts of the counties in said district;

Was read a third time.

On motion by Mr. Graves, and by unanimous consent of the Senate,

The bill was amended by striking out from the enacting clause, and inserting the following amendment:

That the counties of Elkhart, Lagrange, Steuben, Dekalb, Noble, and Kosciusko, are hereby erected into and shall constitute the Fourteenth Judicial Circuit.

SEC. 2. The terms of the court in said circuit shall be held as follows: Commencing in the county of Elkhart on the first Mondays of March and September of each year; in the county of Lagrange on the third Mondays succeeding the commencement of the courts in the county of Elkhart; in the county of Steuben on the second Mondays succeeding the commencement of the courts in the county of Lagrange; in the county of Dekalb on the second Mondays succeeding the commencement of the courts in the county of Steuben; in the county of Noble on the second Mondays succeeding the commencement of the courts in the county of Dekalb; in the county of Kosciusko on the second Mondays succeeding the commencement of the courts in the county of Noble.

SEC. 3. Said courts, if the business thereof require it, shall sit in the county of Elkhart three weeks, and in the counties of Lagrange, Steuben, Dekalb and Noble two weeks each, and in the county of Kosciusko so long as the business requires.

SEC. 4. All writs, subpoenas, venues, rules, orders of court, recognizances, publications and process of whatever nature, which

have issued or may hereafter issue from any of said courts before the commencement of said terms, shall be deemed, and taken to be, and are hereby made returnable to the first day of said terms, as provided for in this act.

SEC. 5. It is hereby made the duty of the Prosecuting Attorney, elected in the Tenth Judicial Circuit, to prosecute the pleas of the State in the Fourteenth Judicial Circuit until the expiration of his present term of office, and his successor is elected and qualified.

SEC. 6. It is hereby declared that upon the taking effect of this act a vacancy exists in the office of Judge, in said Circuit, which shall be filled by appointment by the Governor until the next general election in October, A. D., 1863.

SEC. 7. The county of Huntington, now forming a part of the Eleventh Judicial Circuit, is, upon the taking effect of this act, detached therefrom, and is hereby attached to and made a part of the tenth Judicial Circuit.

SEC. 8. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 9. WHEREAS, An emergency exists for the immediate taking effect of this act, it shall, therefore, be in force from and after its passage.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Jenkins,	New,
Bradley,	Douglass,	Johnson,	Pleak,
Browne of R.,	Downey,	McClurg,	Ray,
Brown of Wells,	Fleming,	Mansfield,	Teegarden,
Campbell,	Fuller,	March,	White,
Claypool,	Graves,	Marshall,	Wilson,
Corbin,	Hoagland,	Mellet,	Wright, and
Davis of Parke,	Hord,	Murray,	Mr. President—32
Davis of Cass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Ferguson,	Gifford,	Shields,
Bearss,	Finch,	Hartley,	Williams, and
Cobb,	Gaff,	Moore,	Wolfe—12.
Culver,			

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Wright,

House bill No. 117. A bill to authorize the Congressional township school fund, which accrued from the sale of school lands within the territory now forming the county of Newton, to said county of Jasper;

Was read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hoagland,	New,
Bearss,	Dickinson,	Hord,	Pleak,
Berry,	Douglass,	Jenkins,	Ray,
Bradley,	Downey,	Johnson,	Shields,
Browne of R.,	Ferguson,	McClurg,	Teegarden,
Brown of Wells,	Finch,	Mansfield,	White,
Campbell,	Fleming,	March,	Williams,
Claypool,	Fuller,	Marshall,	Wilson,
Cobb,	Gaff,	Mellet,	Wolfe,
Corbin,	Gifford,	Moore,	Wright, and
Culver,	Graves,	Murray,	Mr. President—45
Davis of Parke,	Hartley,		

Nays none.

So the bill passed.

On motion by Mr. March,

The title was amended as follows:

After the word "transfer," insert these words: "And payments."

At the close of the title add the following:



"To legalize payments heretofore made, and to authorize the Auditor of the county of Newton to execute conveyances in certain cases."

Mr. Ray submitted the following report :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 140, have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendments, and when so amended, they recommend the passage of the bill :

Add the following to the first section :

"In making such enrollment, said assessor shall enroll the names of members of the same family together, and in separate column note the name of the parents of all children under fifteen."

Add the following words to section three :

Provided, that the parent or parents of any child under the age of fifteen years, shall have the right to appear for and make the proof, and procure the registry of such children, as provided for in this act.

Again,

Insert after the word "thereafter," in the first section, the following:

Provided, said assessors shall not enroll any one who came into the State temporarily on business, but shall not remain longer than twenty-four hours.

Strike out all after the letter "A," in ninth line of section eight, and insert in lieu thereof these words: "high misdemeanor, and shall be fined in any sum not less than five dollars nor more than five hundred dollars."

Also,

Add at the end of the last line on page 4, of section 4, these words, viz: "Or of parents having a right to reside in this State, but temporarily absent therefrom."

Strike out all after the letter "A," in 9th line of section 8, and insert in lieu thereof these words: "high misdemeanor, and shall be fined in any sum not less than five dollars, nor more than five hundred dollars."

Also,

Add at the end of the last line, on page 4 of section 4, these words, viz: "or of parents having a right to reside in this State, but temporarily absent therefrom."

The foregoing committee amendments were adopted.

The next committee amendment was then read as follows:

Provided, this section shall not apply to negroes and mulattoes who may come into the State temporarily for the transaction of business, and shall not remain longer than twenty-four hours.

The ayes and noes were demanded on the adoption of this amendment, by Messrs. Bearss and March.

Mr. Claypool moved to amend the amendment as follows: By striking out twenty-four hours and inserting six months.

Mr. Mansfield moved to lay this amendment on the table.

The ayes and noes were demanded by Messrs. Dickinson and Browne of Randolph, and being taken, resulted as follows: Ayes 33, noes 13:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hord,	Pleak,
Bradley,	Finch,	Jenkins,	Ray,
Brown of Wells,	Fleming,	Johnson,	Shields,
Cobb,	Fuller,	McClurg,	White,
Corbin,	Gaff,	Mansfield,	Williams,
Culver,	Gifford,	Marshall,	Wilson,
Davis of Cass,	Graves,	Moore,	Wolfe and
Douglass,	Hartley,	Murray,	Mr. President—33
Downey,	Hoagland,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Dickinson,	New,
Bearss,	Campbell,	March,	Teegarden, and
Berry,	Davis of Parke,	Mellett,	Wright—13.
Blair,			

So the amendment to the amendment was laid on the table.

Mr. Ray demanded the previous question, and the demand was seconded by the Senate.

The question recurring on the adoption of the committee amendment,

The ayes and noes were taken, with the following result: Ayes 31, noes 11:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Johnson,	New,
Bearss,	Downey,	McClurg,	Pleak,
Berry,	Fleming,	Mansfield,	Shields,
Bradley,	Ferguson,	March,	Teegarden,
Campbell,	Gaff,	Marshall,	White,
Claypool,	Gifford,	Mellett,	Williams,
Culver,	Graves,	Moore,	Wilson and
Davis of Parke,	Hoagland,	Murray,	Mr. President—31

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Cobb,	Fuller,	Landers,
Blair,	Davis of Cass,	Hartley,	Ray,
Bradley,	Douglass,	Hord,	Wolfe, and
Brown of Wells,	Finch,	Jenkins,	Wright—11.

So the amendment was adopted.

The next committee amendment was as follows:

Add to the end of the third section these words: And the party so summoned shall be a competent witness in his own behalf.

The ayes and noes were demanded on the adoption of this amendment by Messrs Cobb and Wolfe, and being taken, resulted as follows: Ayes 26, nays 20:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Culver,	McClurg,	Pleak,
Bearss,	Davis of Parke,	Mansfield,	Shields,
Berry,	Dickinson,	March,	Teegarden,
Blair,	Downey,	Melletts,	White,
Browne of R.,	Ferguson,	Moore,	Wilson and
Campbell,	Gifford,	Murray,	Mr. President—26
Claypool,	Graves,	New,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Finch,	Hoagland,	Marshall,
Bradley,	Fleming,	Hord,	Ray,
Brown of Wells,	Fuller,	Jenkins,	Williams,
Cobb,	Gaff,	Johnson,	Wolfe, and
Davis of Cass,	Hartley,	Landers,	Wright—20.
Douglass,			

So the amendment was agreed to.

The next question being on the adoption of Mr. March's amendment to the amendment of Mr. Wolfe, offered yesterday.

Mr. Cobb moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. March and Wolfe, and being taken, resulted as follows: Ayes 20, noes 27:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	Graves,	New,
Bearss,	Corbin,	Mansfield,	Pleak,
Berry,	Culver,	March,	Teegarden,
Blair,	Davis of Parke,	Melletts,	White, and
Browne of R.,	Dickinson,	Murray,	Wright—20.
Campbell,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Finch,	Hoagland,	Moore,
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Bradley,	Fleming,	Hord,	Ray,
Brown of Wells,	Fuller,	Jenkins,	Shields,
Cobb,	Gaff,	Johnson,	Williams,
Davis of Cass,	Gifford,	Landers,	Wilson,
Douglass,	Graves,	McClurg,	Wolfe, and
Downey,	Hartley,	Marshall,	Mr. President-27.
Ferguson,			

So the amendment was rejected.

The question recurring on the original amendment offered by Mr. Wolfe on yesterday.

The ayes and noes were demanded by Messrs Mellett and March, and being taken, resulted as follows—ayes 31, noes 17:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Murray,
Bradley,	Fleming,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Williams,
Corbin,	Gaff,	Landers,	Wilson,
Davis of Cass,	Gifford,	McClurg,	Wolfe, and
Douglass,	Graves,	Marshall,	Mr. President-30
Downey,	Hartley,	Moore,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Mansfield,	Pleak,
Bearss,	Claypool,	March,	Teegarden,
Berry,	Culver,	Mellett,	White, and
Blair,	Davis of Parke,	New,	Wright-17.
Browne of R.,	Dickinson,		

So the amendment was adopted.

The bill and amendments were ordered to be engrossed for a third reading on to-morrow.

On motion by Mr. Murray,  
The Senate adjourned.

WEDNESDAY, 8½ O'CLOCK, A. M., }  
 March 4, 1863. }

The Senate met.

The journal of yesterday was being read, when,

On motion by Mr. Cobb,  
 Its further reading was dispensed with.

On motion by Mr. Wolfe,  
 Senate bill No. 177. "A bill to divide the State into eleven Congressional Districts ;"  
 Was taken up and read a second time.

On motion by Mr. Wolfe,  
 The bill was referred to the Committee on apportionment.

Mr. Landers moved to suspend the previous order of business, and take up Senate bill No. 163.

The ayes and noes were demanded by Messrs. Landers and Claypool, and being taken, resulted as follows: Ayes 25, noes 20.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hord,	Moore,
Bradley,	Finch,	Jenkins,	Ray,
Brown of Wells,	Fleming,	Johnson,	Williams,
Cobb,	Fuller,	Landers,	Wilson,
Corbin,	Gaff,	McClurg,	Wolfe, and
Davis of Cass,	Gifford,	Marshall,	Mr. President—25
Douglass,	Hoagland,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Graves,	Pleak,
Bearss,	Culver,	Hartley,	Reed,
Beeson,	Davis of Parke,	March,	Shields,
Berry,	Diekinson,	Mellet,	Teegarden, and
Blair,	Downey,	New,	Wright—20.
Campbell,			



So the motion was agreed to.

Senate bill No. 163. A bill to amend the eighteenth section of an act entitled an act for the organization and regulation of the Indiana Militia, prescribing penalties for violation of said regulations, providing for the election and appointment of officers, defining the duties of military and civil officers, and penalties for the neglect or violation thereof; providing for courts martial, councils of administration and military encampment, making appropriations for the support of said militia, repealing all laws heretofore enacted on that subject, saving certain acts therein named, and declaring an emergency for the immediate taking effect thereof, approved May 11, 1861;

Was read a second time, and referred to a special committee of five, viz: Messrs. New, Landers, Corbin, Mansfield and Shields.

On motion by Mr. Reed,

Senate bill No. 156. An act to amend the fourth section of an act in relation to County Auditors, approved May 31, 1852;

Was taken up and read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hord,	Ray,
Bearss,	Davis of Cass,	Johnson,	Reed,
Beeson,	Dickinson,	Landers,	Teegarden,
Berry,	Downey,	McClurg,	White,
Blair,	Ferguson,	Mansfield,	Williams,
Campbell,	Finch,	March,	Wilson,
Claypool,	Fuller,	Murray,	Wolfe,
Cobb,	Gaff,	New,	Wright, and
Corbin,	Gifford,	Pleak,	Mr. President—37
Culver,	Graves,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Hoagland,	Melletts,
Bradley,	Fleming,	Jenkins,	Moore, and
Brown of Wells,	Hartley,	Marshall,	Shields—11.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. March,

Senate bill No. 54. A bill to amend the eighth section of an act entitled an act dividing the State into counties, defining their boundaries, and defining their jurisdiction of such as border on the Ohio and Wabash Rivers, approved June 7, 1852;

Was taken up and read a third time.

The pending question being on a motion to indefinitely postpone the bill;

Which was rejected.

Mr. Brown of Wells made an ineffectual motion to refer the bill to a select committee, to investigate the facts and report the same to the Senate.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Gifford,	New,
Bearss,	Davis of Parke,	Graves,	Pleak,
Beeson,	Dickinson,	Johnson,	Teegarden,
Berry,	Downey,	McClurg,	Williams,
Blair,	Finch,	Mansfield,	Wilson,
Bradley,	Fleming,	March,	Wolfe,
Claypool,	Fuller,	Mellet,	Wright, and
Cobb,	Gaff,	Murray,	Mr. President—31

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Hord,	Moore,
Browne of R.,	Douglass,	Jenkins,	Ray,
Brown of Wells,	Ferguson,	Landers,	Shields, and
Corbin,	Hartley,	Marshall,	White—16.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Wolfe, from the Judiciary Committee, submitted the following report:

MR. PRESIDENT :

The Judiciary Committee, to which was referred House bill No. 142, being a bill to amend the 656th and 661st sections of the practice act, have had the same under consideration, and directed me to report the same back, and recommend its passage ;

Which was concurred in.

House bill No. 142 was then read a third time.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hartley,	Moore,
Beeson,	Dickinson,	Hoagland,	Murray,
Blair,	Douglass,	Hord,	New,
Bradley,	Downey,	Jenkins,	Pleak,
Browne of R.,	Ferguson,	Johnson,	Ray,
Brown of Wells,	Finch,	Landers,	White,
Claypool,	Fleming,	McClurg,	Williams,
Cobb,	Fuller,	Mansfield,	Wilson,
Corbin,	Gaff,	March,	Wolfe,
Culver,	Gifford,	Marshall,	Wright, and
Davis of Parke,	Graves,	Mellett,	Mr. President—44

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Bearss,	Shields, and	Teegarden—3.
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So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Downey, from the Judiciary Committee, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Judiciary Committee, to which was referred House bill No. 78, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

On motion by Mr. Downey,

House bill No. 78. A bill to enable persons other than corporations to reclaim wet lands,  
Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Culver,	Gifford,	Murray,
Bearss,	Davis of Cass,	Graves,	Pleak,
Beeson,	Dickinson,	Hartley,	Ray,
Blair,	Douglass,	Hoagland,	Teegarden,
Bradley,	Downey,	Hord,	White,
Browne of R.,	Ferguson,	Jenkins,	Williams,
Brown of Wells,	Finch,	Landers,	Wolfe,
Claypool,	Fleming,	Mansfield,	Wright, and
Cobb,	Fuller,	March,	Mr. President—38
Corbin,	Gaff,	Mellet,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	McClurg,	Marshall, and	Moore—4.
Johnson,			

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Brown of Wells, from the Committee on the Judiciary, made the following report, which was concurred in:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred House bill No. 130, entitled "an act to give additional powers in civil and criminal actions to the Judges of the Circuit and Common Pleas Courts during vacation," have had the same under consideration, and direct me to report the same back to the Senate, with a recommendation that it lie on the table.

Mr. Cobb, chairman of the Committee on Federal Relations, submitted the following report:

MR. PRESIDENT :

The committee on Federal Relations, to whom was referred House memorial to the Senate and Assembly of the State of New York, memorializing that honorable body in reference to the transits of produce and merchandise going from and coming into our State by way of the canals and railroads of your (their) State, in carrying on our trade with the Atlantic seaboard, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

Mr. March moved to amend as follows :

“ To strike all after the eighteenth line, and last page but one.”

Mr. Cobb moved to lay the amendment on the table.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Shields,
Cobb,	Fleming,	Johnson,	Williams,
Corbin,	Fuller,	Landers,	Wilson,
Culver,	Gaff,	McClurg,	Wolfe, and
Davis of Cass,	Gifford,	Marshall,	Mr. President—29
Douglass,	Hartley,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	March,	Pleak,
Bearss,	Claypool,	Melletts,	Teegarden,
Beeson,	Dickinson,	Murray,	White, and
Blair,	Graves,	New,	Wright—17.
Browne of R.,	Mansfield,		

So the motion was agreed to.

Mr. Browne of Randolph offered the following amendment :

Add that we congratulate the State of New York upon the fact that it is dishonored with the ministrations of Henry Ward Beecher, and by the publication of the New York Tribune.

On motion by Mr. Cobb,

This motion was laid on the table.

Mr. March offered the following amendment:

We congratulate the people of New York in the election of an unconditional Union Democrat as Speaker of their House of Representatives.

Mr. Cobb demanded the previous question.

The ayes and noes were demanded by Messrs. March and Browne of Randolph, and being taken, resulted as follows: Ayes 31, noes 15.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hartley,	Moore,
Bradley,	Ferguson,	Hoagland,	Murray,
Brown of Wells,	Finch,	Hord,	Ray,
Cobb,	Fleming,	Jenkins,	Shields,
Corbin,	Fuller,	Johnson,	Williams,
Culver,	Gaff,	Landers,	Wilson,
Davis of Cass,	Gifford,	McClurg,	Wolfe, and
Douglass,	Graves,	Marshall,	Mr. President—31

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Dickinson,	Pleak,
Bearss,	Campbell,	Mansfield,	Teegarden,
Beeson,	Claypool,	March,	White, and
Blair,	Davis of Parke,	Melletts,	Wright—15.

So the previous question was seconded.

The question recurring on the amendment offered by Mr. March,

The ayes and noes were demanded by Messrs. Beeson and March, and being taken, resulted as follows: Ayes 20, noes 27.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	Mansfield,	Pleak,
Bearss,	Culver,	March,	Shields,



Beeson,	Davis of Parke,	Mellett,	Teegarden,
Blair,	Dickinson,	Murray,	White, and
Browne of R.,	Graves,	New,	Wright—20.
Campbell,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Hartley,	Marshall,
Bradley,	Ferguson,	Hoagland,	Moore,
Brown of Wells,	Finch,	Hord,	Ray,
Cobb,	Fleming,	Jenkins,	Williams,
Corbin,	Fuller,	Johnson,	Wolfe, and
Davis of Cass,	Gaff,	Landers,	Mr. President—27
Douglass,	Gifford,	McClurg,	

So the amendment was rejected.

House memorial was then read a third time.

Mr. Browne of Randolph moved to recommit the memorial to the Committee on Federal Relations, with instructions to so amend the same that it shall contain nothing of a political character.

Also, with instructions to amend by “assuring the State of New York that Indiana is now, as she has been, for the suppression of the existing rebellion, and the restoration of the Union upon the basis of the Constitution, and that to that end she pledges her entire resources of men and money, hoping that the loyal men of New York will cordially unite with her in this patriotic and laudable purpose.

Mr. Cobb demanded the previous question,  
Which was seconded by the Senate.

The question being on the motion to recommit with instructions,

The ayes and noes were demanded by Messrs. Beeson and Browne of Randolph, and being taken, resulted as follows: Ayes 18, noes 27.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Graves,	Pleak,
Bearss,	Culver,	Mansfield,	Teegarden,

Beeson,	Davis of Parke,	March,	White, and
Blair,	Dickinson,	Mellet,	Wright—18.
Browne of R.,	Downey,	Murray,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Moore,
Bradley,	Finch,	Hord,	Ray,
Brown of Wells,	Fleming,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Williams,
Corbin,	Gaff,	Landers,	Wilson,
Davis of Cass,	Gifford,	McClurg,	Wolfe, and
Douglass,	Hartley,	Marshall,	Mr. President—27

So the motion was rejected.

The question being shall the memorial pass ?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hoagland,	Ray,
Bradley,	Ferguson,	Hord,	Shields,
Brown of Wells,	Finch,	Jenkins,	White,
Cobb,	Fleming,	Johnson,	Williams,
Corbin,	Fuller,	Landers,	Wilson,
Culver,	Gaff,	McClurg,	Wolfe, and
Davis of Cass,	Gifford,	Marshall,	Mr. President—30
Douglass,	Hartley,	Moore,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	March,	Pleak,
Bearss,	Davis of Parke,	Mansfield,	Teegarden, and
Blair,	Dickinson,	Mellet,	Wright—14.
Browne of R.,	Graves,	Murray,	

Mr. Beeson refusing to vote.

So the memorial passed.

Mr. Ray submitted the following report :

MR. PRESIDENT :

The Committee on Congressional apportionment, to whom was

referred Senate bills No. 136 and No. 177, on that subject, have had the same under consideration, and beg leave to report as follows:

They report back Senate bill No. 136, and recommend that it lie on the table.

They report back Senate bill No. 177, and recommend its passage, with the following amendments, viz:

Strike the county of Cass from the ninth district, and add the same to the eleventh district, and strike the county of Carroll from the eleventh district, and add the same to the ninth district; and, when so amended, they recommend its passage.

Mr. March demanded a division of the question.

The first question being on laying Senate bill No. 136 on the table,

The ayes and noes were demanded by Messrs. Beeson and March, and being taken, resulted as follows: Ayes 25, noes 22.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Fleming,	Hord,	Moore,
Bradley,	Fuller,	Jenkins,	Ray,
Cobb,	Gaff,	Johnson,	Shields,
Douglass,	Gifford,	Landers,	Williams,
Downey,	Graves,	McClurg,	Wilson, and
Ferguson,	Hartley,	Marshall,	Wolfe—25.
Finch,	Hoagland,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Dickinson,	Pleak,
Bearss,	Claypool,	Mansfield,	Teegarden,
Beeson,	Corbin,	March,	White,
Blair,	Culver,	Mellett,	Wright, and
Browne of R.,	Davis of Parke,	Murray,	Mr. President—22
Brown of Wells,	Davis of Cass,	New,	

So the bill was laid on the table.

The committee amendments were then agreed to.

Mr. Blair then moved to amend Senate bill No. 177 as follows :

Amend the bill so that the Congressional districts shall be constituted as follows :

Sec. 2. The counties of Posey, Vanderburgh, Warrick, Spencer, Knox, Daviess, Dubois, Pike, and Gibson, shall constitute the first district.

Sec. 3. The counties of Harrison, Floyd, Clark, Washington, Perry, Crawford, Orange, and Scott, shall constitute the second district.

Sec. 4. The counties of Brown, Monroe, Lawrence, Greene, Owen, Clay, Sullivan, Martin, and Jackson, shall constitute the third district.

Sec. 5. The counties of Jefferson, Switzerland, Ohio, Ripley, Decatur, Bartholomew, and Jennings, shall constitute the fourth district.

Sec. 6. The counties of Dearborn, Franklin, Union, Fayette, Rush, Wayne, and Henry, shall constitute the fifth District.

Sec. 7. The counties of Marion, Hendricks, Hancock, Shelby, Johnson, Morgan, and Hamilton, shall constitute the sixth district.

Sec. 8. The counties of Vigo, Vermillion, Parke, Putnam, Montgomery, Fountain, and Warren, shall constitute the seventh district.

Sec. 9. The counties of Tippecanoe, Clinton, Boone, Tipton, Howard, Carroll, Benton, White, and Cass, shall constitute the eighth district.

Sec. 10. The counties of Jasper, Newton, Lake, Porter, Fayette, St. Joseph, Marshall, Starke, Pulaski, Fulton and Miami, shall constitute the ninth district.

Sec. 11. The counties of Randolph, Delaware, Madison, Grant, Blackford, Jay, Adams, Wells, Huntington, and Wabash, shall constitute the tenth district.

Sec. 12. The counties of Elkhart, Kosciusko, Whitley, Noble,

Lagrange, Steuben, DeKalb, and Allen, shall constitute the eleventh district.

Mr. Landers moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. March and Bearss, and being taken, resulted as follows: Ayes 25, noes 19:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Fleming,	Jenkins,	Shields,
Bradley,	Fuller,	Johnson,	White,
Cobb,	Gaff,	Landers,	Williams,
Davis of Cass,	Gifford,	McClurg,	Wilson,
Downey,	Hartley,	Marshall,	Wolfe, and
Ferguson,	Hoagland,	Ray,	Mr. President—25
Finch,	Hord,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Brown of Wells,	Dickinson,	Murray,
Bearss,	Campbell,	Douglass,	New,
Beeson,	Claypool,	Mansfield,	Pleak,
Blair,	Culver,	March,	Teegarden, and
Browne of R.,	Davis of Parke,	Melletts,	Wright—19.

So the amendment was laid on the table.

Mr. March moved to amend as follows:

By adding to the fifth district the county of Madison.

Mr. Wolfe moved to lay this amendment on the table.

The ayes and noes were demanded by Messrs. March and New and being taken, resulted as follows: Ayes 27, noes 18:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Moore,
Bradley,	Finch,	Hord,	Ray,
Brown of Wells,	Fleming,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Williams,
Davis of Cass,	Gaff,	Landers,	Wilson,
Douglass,	Gifford,	McClurg,	Wolfe, and
Downey,	Hartley,	Marshall,	Mr. President—27

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Mansfield,	Pleak,
Bearss,	Claypool,	March,	Teegarden,
Beeson,	Culver,	Melletts,	White, and
Blair,	Davis of Parke,	Murray,	Wright—18.
Browne of R.,	Dickinson,	New,	

So the motion was agreed to.

Mr. White moved to amend as follows :

So as to add Carroll and Benton counties to the 8th Congressional district, and add Hamilton county to the 11th district.

Mr. Cobb moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Beeson and White, and being taken, resulted as follows—ayes 25, noes 22 :

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Ray,
Bradley,	Finch,	Hord,	Shields,
Brown of Wells,	Fleming,	Jenkins,	Williams,
Cobb,	Fuller,	Landers,	Wilson,
Corbin,	Gaff,	Marshall,	Wolfe and
Davis of Cass,	Gifford,	Moore,	Mr. President—25
Douglass,	Hartley,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Johnson,	New,
Bearss,	Culver,	McClurg,	Pleak,
Beeson,	Davis of Parke,	Mansfield,	Teegarden,
Blair,	Dickinson,	March,	White, and
Browne of R.,	Downey,	Melletts,	Wright—22.
Campbell,	Graves,	Murray.	

So the amendment was laid on the table.

Mr. Claypool moved to amend the bill as follows :

Add the county of Rush to the 5th district.



Mr. Cobb moved the previous question.

The ayes and noes were demanded by Messrs. Mellett and Brown of Wells, and being taken, resulted as follows: Ayes 26, noes 20.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Finch,	Hoagland,	Moore,
Bradley,	Fleming,	Hord,	Ray,
Cobb,	Fuller,	Jenkins,	Shields,
Corbin,	Gaff,	Johnson,	Williams,
Douglass,	Gifford,	Landers,	Wilson,
Downey,	Graves,	McClurg,	Wolfe, and
Ferguson,	Hartley,	Marshall,	Mr. President—26

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Dickinson,	New,
Bearss,	Claypool,	Mansfield,	Pleak,
Beeson,	Culver,	March,	Teegarden,
Browne of R.,	Davis of Parke,	Mellett,	White, and
Brown of Wells,	Davis of Cass,	Murray,	Wright—19.

So the previous question was seconded.

The question recurring on the amendment offered by Mr. Claypool,

The ayes and noes were demanded by Messrs. Bearss and Claypool, and being taken, resulted as follows—ayes 20, noes 26:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Mansfield,	Pleak,
Bearss,	Claypool,	March,	Teegarden,
Beeson,	Culver,	Mellett,	White,
Blair,	Davis of Parke,	Murray,	Wright, and
Browne of R.,	Dickinson,	New,	Mr. President—20
Brown of Wells,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Finch,	Hoagland,	Moore,
Bradley,	Fleming,	Hord,	Ray,

Cobb,	Fuller,	Jenkins,	Shields,
Corbin,	Gaff,	Johnson,	Williams,
Davis of Cass,	Gifford,	Landers,	Wilson, and
Douglass,	Graves,	McClurg,	Wolfe—26.
Downey,	Hartley,	Marshall,	

So the amendment was laid on the table.

The question being on the engrossment of the bill,

The ayes and noes were demanded by Messrs. Bearss and Browne of Randolph, and being taken, resulted as follows—ayes 23, noes 24.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hartley,	Ray,
Bradley,	Finch,	Hord,	Shields,
Brown of Wells,	Fleming,	Jenkins,	Williams,
Cobb,	Fuller,	Johnson,	Wilson,
Davis of Cass,	Gaff,	Landers,	Wolfe, and
Downey,	Gifford,	Moore,	Mr. President—23

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Corbin,	Hoagland,	Murray,
Bearss,	Culver,	McClurg,	New,
Beeson,	Davis of Parke,	Mansfield,	Pleak,
Blair,	Dickinson,	March,	Teegarden,
Browne of R.,	Douglass,	Marshall,	White, and
Campbell,	Graves,	Melletts,	Wright—24.
Claypool,			

So the motion to order the bill engrossed was rejected.

On motion by Mr. Bearss,

The Senate adjourned.

1½ O'CLOCK, P. M.

The Senate met.

On motion by Mr. Bradley,

Senate bill No. 108. A bill to signify the assent of the State of Indiana to the conditions and provisions of an act of Congress, entitled "an act donating public lands to the several States and territories, which may provide colleges for the benefit of agriculture and mechanic arts," approved July 2, 1862, and to express the State's acceptance of said conditions and provisions, and for accepting the scrip offered by this act of Congress, and for its sale and investment in the State of Indiana bonds or stocks for the endowment of an Agricultural College;

Was read a third time.

On motion by Mr. Claypool,

The bond of the Commissioner was fixed at one hundred thousand dollars.

On motion by Mr. Graves,

The minimum price of the land was fixed at fifty cents per acre.

On motion by Mr. Bradley,

The compensation for the services of the Commissioner was fixed at one thousand dollars.

On motion by Mr. Shields,

This motion was reconsidered.

On motion by Mr. Claypool,

The blank was filled with \$500 as the pay of the Commissioner for his services.

Mr. Cobb moved to amend by filling the blank with one per cent., and add in the proper place: *Provided*, that he shall not receive more than two thousand dollars per annum;

Which was rejected.

On motion by Mr. Johnson,  
The blank was filled with twelve hundred dollars.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hartley,	Moore,
Beeson,	Dickinson,	Hoagland,	Murray,
Berry,	Douglass,	Hord,	Pleak,
Blair,	Downey,	Jenkins,	Ray,
Bradley,	Ferguson,	Johnson,	Shields,
Brown of Wells,	Finch,	Landers,	Teegarden,
Campbell,	Fleming,	McClurg,	White,
Claypool,	Fuller,	Mansfield,	Williams,
Cobb,	Gaff,	March,	Wilson,
Corbin,	Gifford,	Marshall,	Wolfe, and
Davis of Parke,	Graves,	Mellet,	Mr. President—43

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Bearss,	Culver, and	Wright—3.
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So the bill passed.

On motion by Mr. Cobb,

House bill No. 147. A bill to amend the 655th section of an act to revise, simplify, and abridge the rules, practice and pleadings, and forms in civil cases in the courts of this State, &c.;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hartley,	Moore,
Bearss,	Dickinson,	Hoagland,	Murray,
Beeson,	Douglass,	Hord,	New,
Berry,	Downey,	Jenkins,	Pleak,
Bradley,	Ferguson,	Johnson,	Ray,
Brown of Wells,	Finch,	Landers,	Teegarden,
Campbell,	Fleming,	McClurg,	White,
Claypool,	Fuller,	Mansfield,	Williams,

Cobb,	Gaff,	March,	Wolfe,
Corbin	Gifford,	Marshall,	Wright, and
Culver,	Graves,	Mellett,	Mr. President-44.
Davis of Parke,			

Noes none.

So the bill passed.

On motion by Mr. Downey,

House bill No. 110. A bill to amend section one of an act entitled "An act to amend section three of an act for the regulation of Weights and Measures, approved June 9, 1852, approved February 28, 1855;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hord,	New,
Bearss,	Douglass,	Jenkins,	Pleak,
Beeson,	Downey,	Johnson,	Ray,
Berry,	Ferguson,	Landers,	Shields,
Brown of Wells,	Fleming,	McClurg,	Teegarden,
Campbell,	Fuller,	Mansfield,	White,
Claypool,	Gaff,	March,	Williams,
Cobb,	Gifford,	Marshall,	Wilson,
Corbin,	Graves,	Mellett,	Wolfe, and
Culver,	Hartley,	Moore,	Mr. President-42
Davis of Cass,	Hoagland,	Murray,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs. Davis of Parke, and Wright—2.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Landers moved to suspend the order of business, and take up Senate bill No. 140.

The ayes and noes were demanded by Messrs. Dunning (Mr. Wil-

liams in the chair,) and Claypool, and being taken, resulted as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Moore,
Bradley,	Finch,	Hord,	Ray
Brown of Wells,	Fleming,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Wilson,
Corbin,	Gaff,	Landers,	Williams,
Davis of Cass,	Gifford,	McClurg,	Wolfe, and
Douglass,	Hartley,	Marshall,	Mr. President—28
Downey,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Graves,	New,
Bearss,	Claypool,	Mansfield,	Pleak,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Blair,	Dickinson,	Murray,	Wright—19.

So the previous order of business was suspended, and

Senate bill No. 140. A bill to enforce the thirteenth article of the Constitution of this State ;

Was read a third time.

Mr. Wolfe moved to recommit the bill to a special committee of three, with the following instructions :

Strike out all that portion of the bill which makes the negro summoned a witness in his own behalf.

Mr. March offered the following additional amendment :

To amend the fourth section so that the negro or mulatto may appeal from the decision of the Clerk to the Common Pleas or Circuit Court of the county.

Mr. Landers moved to lay the motion to recommit on the table.

The ayes and noes were demanded by Messrs. March and Wolfe, and being taken, resulted as follow, ayes 17, noes 29 :



## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Fleming,	Hartley,	McClurg,
Bradley,	Fuller,	Hord,	Ray,
Brown of Wells,	Gaff,	Jenkins,	Shields, and
Corbin,	Gifford,	Landers,	Mr. President—17
Ferguson,	Graves,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Mansfield,	Pleak,
Bearss,	Davis of Cass,	March,	Teegarden,
Beeson,	Dickinson,	Marshall,	White,
Blair,	Douglass,	Melletts,	Williams,
Campbell,	Downey,	Moore,	Wilson,
Claypool,	Finch,	Murray,	Wolfe, and
Cobb,	Hoagland,	New,	Wright—29.
Culver,	Johnson,		

So the motion was rejected.

The question being on Mr. Wolfe's motion to recommit with instructions.

The ayes and noes were demanded by Messrs. March and Dickinson, and being taken, resulted as follows, ayes 14, noes 32:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hord,	Williams,
Brown of Wells,	Finch,	Johnson,	Wilson, and
Cobb,	Fleming,	Marshall,	Wolfe—14.
Davis of Cass,	Hoagland,	Moore,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Parke,	Hartley,	New,
Bearss,	Dickinson,	Jenkins,	Pleak,
Beeson,	Downey,	Landers,	Ray,
Berry,	Ferguson,	McClurg,	Shields,
Bradley,	Fuller,	Mansfield,	Teegarden,
Campbell,	Gaff,	March,	White,
Claypool,	Gifford,	Melletts,	Wright, and
Corbin,	Graves,	Murray,	Mr. President—32.
Culver,			

So the motion was rejected.

The question recurring on Mr. March's amendment,

Mr. Bradley made an ineffectual demand for the previous question.

The ayes and noes were demanded by Messrs. March and Claypool, on Mr. March's amendment, and being taken, resulted as follows, ayes 19, nays 28:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Graves,	New,
Bearss,	Claypool,	Mansfield,	Pleak,
Beeson,	Culver	March,	Teegarden,
Berry,	Davis of Parke,	Mellet,	White, and
Blair,	Dickinson,	Murray,	Wright—19.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Moore,
Bradley,	Finch,	Hord,	Ray,
Brown of Wells,	Fleming,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Williams,
Corbin,	Gaff,	Landers,	Wilson,
Davis of Cass,	Gifford,	McClurg,	Wolfe, and
Douglass,	Hartley,	Marshall,	Mr. President—28
Downey,			

So the motion to recommit was rejected.

Mr. Claypool moved to recommit the bill with instructions to amend by inserting in the proper place the following:

“And it shall be lawful to kill any negro or mulatto when found in this State after the first day of July, A. D. 1863, who shall not be licensed under the provisions of this act.”

The ayes and noes were demanded by Messrs. Dunning and Claypool, and being taken, resulted as follows: Ayes 10, noes 35:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Blair,	Culver,	Graves, and
Bearss,	Campbell,	Davis of Parke,	Mansfield—10.
Beeson,	Claypool,	Dickinson,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Ferguson,	Jenkins,	Pleak,
Berry,	Finch,	Johnson,	Ray,
Bradley,	Fleming,	Landers,	Shields,
Brown of Wells,	Fuller,	McClurg,	Teegarden,
Cobb,	Gaff,	March,	White,
Corbin,	Gifford,	Marshall,	Williams,
Davis of Cass,	Hartley,	Melletts,	Wilson,
Douglass,	Hoagland,	Moore,	Wolfe, and
Downey,	Hord,	Murray,	Mr. President—55

Two refusing to vote, Messrs. New and Wright.

So the motion was rejected.

The question recurring on the passage of the bill,

## \* THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hartley,	Moore,
Bradley,	Finch,	Hord,	Ray,
Brown of Wells,	Fleming,	Jenkins,	Shields,
Cobb,	Fuller,	Johnson,	Williams,
Corbin,	Gaff,	Landers,	Wilson, and
Davis of Cass,	Gifford,	McClurg,	Mr. President—24
Downey,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Hoagland,	New,
Bearss,	Culver,	Mansfield,	Pleak,
Beeson,	Davis of Parke,	March,	Teegarden,
Berry,	Dickinson,	Marshall,	White,
Blair,	Douglass,	Melletts,	Wolfe, and
Campbell,	Graves,	Murray,	Wright—23.

So the bill failed to pass for want of a constitutional majority.

Mr. Cobb offered the following resolutions :

WHEREAS, Owing to the revolutionary and factious conduct of the minority in the House of this General Assembly, has rendered it impossible to transact but little legislative business for seven days past ;

AND WHEREAS, We have reason to believe that the same line of revolutionary and factious conduct will be pursued by that minority until the end of the present session, and that all important measures of practical legislation during the present session will be thereby defeated ;

AND WHEREAS, We regard any further expenditure of the people's money in attempting to legislate at this time as unnecessary ; therefore,

*Resolved by the Senate, (the House concurring,) That this General Assembly will adjourn sine die, the 5th inst., at 10 o'clock, A. M.*

Mr. Downey moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Cobb and Dunning, and being taken, resulted as follows : Ayes 32, nays 12 :

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Johnson,	Pleak,
Beeson,	Downey,	Landers,	Ray,
Berry,	Ferguson,	Mansfield,	Teegarden,
Blair,	Finch,	March,	White,
Brown of Wells,	Fuller,	Marshall,	Williams,
Claypool,	Gaff,	Melletts,	Wolfe,
Corbin,	Gifford,	Murray,	Wright, and
Davis of Parke,	Hartley,	New,	Mr. President—32
Davis of Cass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Fleming,	Hord,	Moore,
Bradley,	Graves,	Jenkins,	Shields, and
Cobb,	Hoagland,	McClurg,	Wilson—12.
Douglass,			

So the resolution was laid on the table.

The President laid before the Senate the following communication:

*To the Honorable the President of the Senate of the State of Indiana:*

SIR:—The Attorney General having determined that the office of President of the Institutions for the Deaf and Dumb, the Blind, and the Insane, has become vacant, the undersigned has doubts for the authority to draw warrants upon the Treasury for the support of said Institutions, without some action of the Legislature on this subject, to which the attention of the Legislature is respectfully called.

J. RISTINE, *Auditor of State.*

*Indianapolis, March 4, 1863.*

Which communication was referred to the Judiciary Committee.

On motion by Mr. Bearss,  
The Senate adjourned.

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7½ O'CLOCK, P. M.

The Senate met.

Leave being granted,

Mr. Moore submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claim of Weaver & Williams, have had the same under consideration, and recommend the following amendments, and when so amended recommend its allowance, to-wit: That they be allowed \$50 for the

metallic coffin, and \$3 for box for same, as per agreement, and that the same be referred to the Committee on Finance.

Leave being granted,

Mr. Moore submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Claims, have had the claim of W. H. Drapier under consideration, and recommend that he be allowed thirty dollars for preparing and publishing the acts and joint resolutions passed during last session, and also fifteen dollars for organizing the present Senate, and recommend the same to be referred to the Committee on Finance, and be allowed.

Mr. Moore, from the Committee on Claims, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Claims have had the claim of Harris Tyner under consideration, and recommend that he be allowed \$200, as per bill and agreement with Doorkeeper of the Senate, and recommend the same to be referred to the Committee on Finance, and allowed.

Mr. Hartley, from the Committee on Claims, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Claims have had the claim of James B. Wilson, for services rendered in sub. for Military Committee under consideration, and recommend that he be allowed \$18, as per bill filed and certificate with Doorkeeper of Senate, and recommend that the same be referred to the Committee on Finance and allowed.

Mr. Hartley, from the Committee on Claims, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Claims have had the claim of the Indianapo-



lis Journal Co. under consideration, and find it correct, as per agreement, and recommend that the same be referred to the Committee on Finance.

Mr. Douglass, chairman of the Committee on Education, submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 142, have had the same under consideration, and instructed me to report the same back, and recommend its passage.

Mr. Brown of Wells, from the Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

The Committee on Enrolled Bills would report to the Senate that House bills Nos. 44, 91, and 194, were submitted to the Governor for his approval and signature, respectively, on the 25th of February, 1863, at half-past 11 o'clock, A. M., the 2d of March, at a quarter before 10 o'clock, A. M., and on the 3d of March, at half-past 10 o'clock, A. M.

Mr. New offered the following resolution, which was adopted :

*Resolved*, That the Doorkeeper of the Senate be instructed to distribute to the members of the Senate ten copies each of all of the agricultural reports which are now remaining undistributed, and in the custody of the State Librarian.

Mr. March made the following report, which was concurred in :

MR. PRESIDENT :

The Committee on the Judiciary, to which was referred House bill No. 17, a bill to confirm sales of lands by Trustees and Executors, in certain cases, have had the same under consideration, and directed me to report the same back, and recommend its passage, after the adoption of the following amendment, viz :

After the word " State," on the second page, insert the following :  
And for which a full consideration has been paid to the party entitled thereto.

Senate bill No. 160, entitled "an act to amend section 12 of an act entitled an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith ;"

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 162. An act to amend section 14 of an act entitled "an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852 ;

Was read a second time, and referred to the Committee on County and Township business.

Senate bill No. 166. An act to establish an agricultural college, to teach such branches of learning as are related to agriculture and the mechanic arts, military tactics, normal school instruction, and such other scientific and classical studies as the General Assembly or the Board of Trustees of said college may direct, and to appropriate revenues for its endowment, support and maintenance, and to provide a board of Trustees for its management ;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 169. A bill to amend section 1 of an act entitled "an act to amend section 7 of an act entitled an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the term thereof, and making all process from the Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859, so as to change the time of holding said courts in Jackson and Bartholomew counties, and declaring when this act shall take effect," approved March 9, 1861 ;

Was read a second time.

On motion by Mr. Cobb,

Was amended so that the courts in Jennings shall be held on the first Mondays in April, August and December.

The bill was then ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 171, was read by title only, and

On motion by Mr. New,

Was referred to a select committee of five, viz: Messrs. New, Hord, Bradley, Claypool, and Gaff.

Senate bill No. 172. A bill to amend section 1 of an act entitled "an act to amend an act entitled an act to revise, simplify, and abridge the rules, practice, pleading and forms in civil cases, in the courts of this State, to abolish distinct forms at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Senate bill No. 173. A bill to amend sections 6 and 28 of an act entitled "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852;

Was read a second time, and,

On motion by Mr. Moore,

Was referred to the Committee on Roads.

Senate bill No. 175. A bill to authorize the settlement of the estate of decedents out of court.

Was read a second time and referred to the Judiciary Committee.

Senate bill No. 177, a bill to repeal the 2d, 3d, 4th, 5th, 6th, and 7th causes mentioned in the 7th section of an act regulating the granting of divorces, nullification of marriages, and decree and order of court incident thereto, approved May 13, 1862, and to provide for the separation of married persons, and their holding separate property,

Was read a second time, and referred to the Committee on the Judiciary,

House bill No. 27, an act providing for calling special sessions of Boards of County Commissioners,

Which was read a second time, and referred to the Committee on County and Township Business.

House bill No. 31, an act authorizing attachment, in vacation, for violation of injunctions,

Was read a second time, and referred to the Committee on the Judiciary.

House bill No. 47, a bill to legalize the acts of certain civil officers in this State, who have entered the military service of the United States, and whose duties have been discharged by deputies during their absence,

Was read a second time, and referred to the Judiciary Committee.

House bill No 72, an act to amend an act entitled an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852;

Was read a second time, and referred to the Committee on Rights and Privileges.

House bill No. 75, an act to provide for the inspection of Petroleum oils for illuminating purposes, making and branding the same, providing penalty for selling without inspection, or for falsely branding the cask, package, or barrel containing the same, or for violating any of the provisions of this act, for the appointment of inspectors and deputies, providing duties, and terms of office, and imposing penalties for inspectors or deputies trading in any article they are appointed to inspect, &c.;

Was read a second time, and referred to the Committee on Manufactures.

House bill No. 123, an act to amend sections 47 and 49 of an act entitled an act defining misdemeanors, and prescribing punishment therefor (for resisting writs of habeas corpus), approved June 14, 1862;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

House bill No. 143, an act to authorize county auditors to issue fee bills in certain cases therein named,

Was read a second time, and referred to the Committee on County and Township Business.

Joint resolution No. 14 was read a second time.

On motion by Mr. Claypool,  
It was changed into a concurrent resolution :

Senate joint resolution No. 16, a joint resolution against the Congress of the United States passing laws violating the sovereignty of the States ;

Was read a second time, and referred to the Committee on Federal relations.

Senate bill No. 154 was taken up.

Mr. Ray moved to strike out \$500 and insert \$800, as the salary of the Directors of the Southern Prison.

On motion by Mr. Johnson,  
The matter was informally passed over.

Senate bill No. 77, was taken up, and the pending committee amendments thereto were adopted.

The bill was then ordered to be engrossed for a third reading on to-morrow.

On motion by Mr. Landers,  
Senate bill No. 31 was taken from the table.

The pending question being on Mr. Corbin's amendment to Mr. Murray's amendment,

On motion by Mr. Murray,  
The amendment to the amendment was laid on the table.

The amendment was adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

On motion by Mr. Graves,  
The Senate adjourned.

THURSDAY, 8½ o'clock, A. M., }  
 March 5, 1863. }

Senate met.

The journal of yesterday was being read, when,

On motion by Mr. Gifford,  
 Its further reading was dispensed with.

Mr. Bradley asked and obtained leave of absence for Mr. Shields, on account of sickness.

Mr. Hord presented a memorial from the Agricultural Society of Bartholomew county,

Which was read and referred to the Committee on Claims.

Mr. Graves, from the State Prison Committee, submitted the following report, which was concurred in.

MR. PRESIDENT:

The Committee on State Prisons, to whom was referred Senate bill No. 155, entitled a bill requiring all persons hereafter sentenced to confinement in the State Prison, to be conveyed to the State Prison at Jeffersonville, and providing for the transfer of convicts from one State Prison to another, &c., &c., together with instructions to inquire into the expediency of continuing the construction of the Northern State Prison, respectfully report that they have had said bill and instructions under consideration, and report said bill back with an amendment, upon the adoption of which they recommend its passage.

Amend by striking out from the enacting clause, and insert the following:

With regard to the instructions, directing them to inquire into the expediency of continuing the construction of the Northern State Prison at Michigan City, they respectfully report that they deem it unnecessary to enter into a lengthy review of the arguments that may be adduced upon this question, *pro* and *con*, at the present time. The committee are nearly unanimous in the opinion that the interests of the State require that the construction of that Prison should not be abandoned, but, on the contrary, should be



prosecuted with a view to its completion, if not at an early day, at least at some period not very remote. The committee are all, more or less, impressed with the truth of the statements of some Senators that said institution was "conceived in sin and brought forth in iniquity." They have little doubt that misfeasance and corruption attended its first establishment. But these are simply melancholy facts which attended its earlier history, and which it was particularly incumbent upon the contemporaneous Legislature to deal with. That institution is now the property of the State, upon which large sums of money have already been expended, and it becomes the duty of the present Legislature, as the guardian of the public property, and of the interests of the State in general, to exercise the same care and regard for it, as though the utmost degree of honesty and integrity had attended its first conception. It is most likely that the same circumstances (an increase of convicts too great for the accommodations of the Jeffersonville Prison) will soon occur again, and the Legislature, in the event of giving up the Northern State Prison, would be compelled to find such accommodations elsewhere. The committee are firmly of the opinion that the same amount of work, and of the same excellent character, can not again be obtained for the same money. All who have visited the Prison at Michigan City concur in the opinion that the contracts let, and the materials furnished for construction, have been obtained upon most favorable terms; that the work has been well done, and will compare favorably with similar work in any other State. That the construction of said Prison has been so far cheaply effected, is mainly owing, the committee believe, to the fact before alluded to, and well known, that that institution has not, at any time, been the favorite bantling of the Legislature, and had lavished upon it large sums of money with a liberal hand. Therefore, the persons connected with its construction felt the vital necessity of having the work made of such a character as would commend it, by its merits alone, to the kind consideration of the Legislature and people of the State. Their exertions in this direction, we believe, have been a success, and merit our approval. Had appropriations been freely and willingly made by a confiding Legislature, double the sum of money already expended would not, in our opinion, have produced the same results.

The committee are, by no means, disposed to recommend that any large appropriation should now be made for a continuance of such construction. The appropriations now made should be regu-

lated by the ability of the Treasury to meet the demands upon it. An appropriation to meet the debt due contractors should undoubtedly be made immediately; and, in addition thereto, a further sum for construction, if no larger than the amount appropriated at the last session, for it is not to be supposed that the Legislature will allow so costly and valuable a property to revert to the donor of the land upon which the Prison buildings are erected, as both land and buildings will, in case of a discontinuance of the construction and use thereof as a Prison.

The committee do not feel called upon, at this time, to recommend the adoption of any resolution upon this subject; they, therefore, respectfully ask to be discharged from the further consideration thereof.

Also amend title by inserting the following:

An act to authorize the transfer of convicts from one State Prison to another; and also to authorize the sending of convicts from any county in the State to such Prison, as may, in certain contingencies, be named by the officers of State.

W. C. GRAVES,

*On part of a majority of the Committee.*

Mr. Johnson, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to which was referred Senate bill No. 176, have had the same under consideration, and inasmuch as there is a bill already passed the Senate, have directed me to report the bill back and recommend that it lie on the table.

Which was concurred in.

Mr. Brown of Wells moved to reconsider the vote taken upon the engrossment of Senate bill No. 177.

The ayes and noes were demanded by Messrs. Claypool and March, and being taken, resulted as follows: Ayes 25, noes 15:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Moore,
Bradley,	Finch,	Hord,	Ray,

Brown of Wells,	Fleming,	Jenkins,	Williams,
Cobb,	Fuller,	Johnson,	Wilson,
Davis of Cass,	Gaff,	Landers,	Wolfe, and
Douglass,	Gifford,	Marshall,	Mr. President—25
Downey,	Hartley,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	March,	Reed,
Beeson,	Corbin,	Melletts,	Teegarden,
Berry,	Davis of Parke,	Murray,	White, and
Blair,	Graves,	Pleak,	Wright—15.

So the vote is reconsidered.

The question recurring on the engrossment of the bill.

The bill was then ordered to be engrossed.

Leave being granted,

Mr. Gaff introduced

Senate bill No. 179. An act to protect shareholders and to prevent officers and employees from embezzling and squandering the earnings of Railroad Companies ;

Which was read a first time.

Mr. Gaff moved to suspend the rules, and read the bill a second time now.

The ayes and noes being taken under a provision of the Constitution,

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hoagland,	Pleak,
Blair,	Douglass,	Hord,	Ray,
Bradley,	Downey,	Jenkins,	Reed,
Brown of Wells,	Ferguson,	Johnson,	Teegarden,
Campbell,	Fleming,	Landers,	Williams,
Claypool,	Fuller,	March,	Wilson,
Cobb,	Gaff,	Marshall,	Wolfe,
Corbin,	Gifford,	Moore,	Wright, and

Davis of Parke, Graves, Murray, Mr. President-37.  
 Davis of Cass, Hartley,

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs. Mansfield, Mellett, and White—4.  
 Beeson,

So the rules were suspended, and Senate bill No. 179 was read a second time, and referred to the Committee on Corporations.

Mr. Davis of Parke introduced

Senate bill No. 180. A bill to amend the eleventh and twenty-fourth sections of an act entitled an act concerning the partition of lands, approved May 20, 1852;

Which was read a first time, and passed to a second reading on to-morrow.

On motion by Mr. Murray,

The Senate proceeded to the consideration of bills on their third reading.

House bill No. 30. An act to amend section forty-six of an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, approved March 11, 1861;

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Johnson,	New,
Blair,	Douglass,	McClurg,	Pleak,
Campbell,	Downey,	Mansfield,	Reed,
Claypool,	Fuller,	March,	White,
Corbin,	Gaff,	Marshall,	Wilson,
Culver,	Gifford,	Mellett,	Wright, and
Davis of Parke, Graves,		Murray,	Mr. President-29.
Davis of Cass, Hartley,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Ferguson,	Jenkins,	Ray,
Bearss,	Finch,	Landers,	Teegarden, and
Bradley,	Hord,	Moore,	Wolfe—11.

So the bill passed.

House bill No. 23. An act to fix the succession of title of real estate held by County and District Agricultural Societies;  
Was read a third time.

Mr. Cobb moved to indefinitely postpone the bill.

The ayes and noes were demanded by Messrs. Johnson and Landers, and being taken, resulted as follows: ayes 19, noes 19.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Finch,	Hartley,	Moore,
Blair,	Fuller,	Landers,	Pleak,
Davis of Cass,	Gaff,	McClurg,	Teegarden,
Douglass,	Gifford,	Mansfield,	Wolfe, and
Downey,	Graves,	Marshall,	Wright—19.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Corbin,	Hoagland,	New,
Bearss,	Culver,	Johnson,	Reed,
Beeson,	Dickinson,	Jenkins,	White,
Bradley,	Ferguson,	March,	Williams, and
Cobb,	Fleming,	Murray,	Mr. President—19

So the motion to indefinitely postpone was rejected.

The question recurring on the passage of the bill.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Corbin,	Gifford,	March,
Bearss,	Dickinson,	Hoagland,	Murray,
Beeson,	Ferguson,	Johnson,	Reed, and
Cobb,	Gaff,	McClurg,	Williams—15.

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Hord,	Pleak,
Blair,	Downey,	Jenkins,	Teegarden,
Bradley,	Finch,	Landers,	White,
Campbell,	Fleming,	Mansfield,	Wolfe,
Culver,	Fuller,	Marshall,	Wright, and
Davis of Parke,	Graves,	Moore,	Mr. President—26
Davis of Cass,	Hartley,	New,	

So the bill was rejected.

House bill No. 48. An act to prohibit Judges of the Common Pleas Courts of this State from practising as attorneys in any inferior courts within their districts respectively ;

Was read a third time.

The question being, shall the bill pass ?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hoagland,	Murray,
Bearss,	Douglass,	Hord,	New,
Beeson,	Downey,	Jenkins,	Pleak,
Berry,	Ferguson,	Johnson,	Ray,
Blair,	Finch,	Landers,	Reed,
Campbell,	Fleming,	McClurg,	Teegarden,
Cobb,	Fuller,	Mansfield,	White,
Corbin,	Gaff,	March,	Wolfe,
Culver,	Gifford,	Marshall,	Wright, and
Davis of Cass,	Graves,	Moore,	Mr. President—42
Davis of Parke,	Hartley,		

Mr. Williams voting in the negative.

So the bill passed.

House bill No. 82. An act to amend the first section of an act to amend an act entitled " An act to amend the sixth section of an act providing for the organization of County Boards, and prescribing some of their powers and duties, which first above mentioned act was approved June 17, 1852; that said second mentioned act was approved February 16, 1859; which said last mentioned act was approved March 9, 1861 ;

Was read the third time.



The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Douglass,	Hord,	Pleak,
Bearss,	Downey,	Jenkins,	Ray,
Beeson,	Ferguson,	Johnson,	Reed,
Blair,	Finch,	Landers,	Teegarden,
Bradley,	Fleming,	McClurg,	White,
Campbell,	Fuller,	Mansfield,	Williams,
Cobb,	Gaff,	March,	Wilson,
Corbin,	Gifford,	Marshall,	Wolfe,
Culver,	Graves,	Moore,	Wright, and
Davis of Cass,	Hartley,	Murray,	Mr. President—43
Davis of Parke,	Hoagland,	New,	

Noes none.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

House bill No. 95. An act to fix the time of holding the Courts of Common Pleas in the Counties of Adams, Wells, Huntington and Allen, and the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect;

Was read a third time.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Hartley,	New,
Beeson,	Dickinson,	Hoagland,	Pleak,
Berry,	Douglass,	Hord,	Ray,
Blair,	Downey,	Jenkins,	Reed,
Bradley,	Ferguson,	Johnson,	Teegarden,
Campbell,	Finch,	Landers,	White,
Claypool,	Fleming,	McClurg,	Williams,
Cobb,	Fuller,	March,	Wilson,
Corbin,	Gaff,	Marshall,	Wright, and
Culver,	Gifford,	Moore,	Mr. President—42
Davis of Parke,	Graves,	Murray,	

Noes none.

So the bill passed.

House bill No. 114. An act requiring Recorders to certify their records of deeds, mortgages and other instruments admissible to record ;

Was read a third time.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hoagland,	New,
Beeson,	Douglass,	Hord,	Pleak,
Berry,	Downey,	Jenkins,	Ray,
Blair,	Ferguson,	Johnson,	Reed,
Bradley,	Finch,	Landers,	Teegarden,
Campbell,	Fleming,	McClurg,	White,
Claypool,	Fuller,	Mansfield,	Williams,
Cobb,	Gaff,	March,	Wilson,
Corbin,	Gifford,	Marshall,	Wolfe,
Culver,	Graves,	Moore,	Wright, and
Davis of Cass,	Hartley,	Murray,	Mr. President—43

Noes none.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Williams, from the Majority of the Committee on Finance, submitted the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred the following resolutions, to-wit :

*Resolved*, That the Committee on Finance be instructed to examine and report whether the one hundred thousand dollars appropriated to the Governor as a Military Contingent Fund, has been expended in accordance with the intent and meaning of the law making said appropriation.

*Resolved*, That the Committee on Finance be instructed to examine and report whether in their opinion, there has been any violation of the embezzlement laws, and if so, at what time, and by whom, with leave to report by bill or otherwise ;

Make the following report of their investigation, and respectfully submit the same to the Senate:

On the 17th day of April, 1861, the Governor, Auditor, Treasurer, and Secretary of State, effected a loan of twenty-five thousand dollars from bankers of this city. This was done before any law was passed authorizing the loan, but of that the committee has no disposition to complain, as the officers of State were acting on a pressing necessity, and for proper and praiseworthy purposes. In all our investigations it will be the aim of the committee to deal candidly with all matters coming before them.

For the purpose of legalizing the loan thus made, and making payment thereof, the following bill was passed and approved on the 4th day of May, 1861:

“ An act to legalize the act of the Auditor of State in depositing certain bonds of the State in the Branch at Indianapolis of the Bank of the State of Indiana, as security for twenty-five thousand dollars, borrowed by the Governor, Secretary, Auditor, and Treasurer of State, and to assume and to provide for the payment of said sum of money by the State, approved May 4, 1861.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That whereas it became necessary, in order to comply with the requisition for troops, recently made by the President of the United States to procure a large sum of money for the use of the State, before the General Assembly could be convened; and whereas, the Governor and Auditor, Treasurer and Secretary of State, upon their own private credit and responsibility, borrowed from the Branch at Indianapolis of the Bank of the State of Indiana, for the use of the State, the sum of twenty-five thousand dollars, to be expended for and on behalf of the State, in paying the expenses incurred and to be incurred, in raising and sustaining troops, in compliance with the said requisition of the President; and whereas, the Governor, and other officers of State aforesaid, gave their promissory note for said sum of money, dated April 17, 1861, payable on demand to the order of C. L. Stevenson, Cashier

of said Branch Bank, with interest, and to secure the payment of said note, the said Auditor of State deposited in said Branch Bank five per cent. bonds of the State of Indiana, to the amount of thirty thousand dollars, therefore, the borrowing of the said sum of twenty-five thousand dollars, and the depositing of said bonds as security for the payment thereof, as above recited, are hereby declared to be legal and binding upon the State of Indiana, and the debt contracted as aforesaid is hereby assumed, and shall be paid by the State of Indiana out of the Contingent Fund of the Governor, appropriated by this General Assembly for the purpose of defraying the expenses of responding to the Proclamation of the President of the United States, for troops; and if no funds specially provided for the purpose of paying said debt, should be in the Treasury when it becomes necessary to pay the same, then the said debt shall be paid out of any money that may be in the Treasury, and not otherwise specifically appropriated.

Section 2. There is an emergency which requires that this act should take effect immediately, and it is therefore enacted that it shall take effect and be in force from and after its passage.

The Senate will see that the twenty-five thousand dollars, borrowed from the bank of this city, before the meeting of the extra session of the General Assembly, was ordered by law to be paid "out of the Contingent Fund of the Governor," or if there be none of that fund, "then that said debt shall be paid out of any money that may be in the Treasury, and not otherwise specifically appropriated." One of these modes of payment only could be legal. The sequel will show how and from what fund the same was paid.

In prosecuting the history of the laws appropriating moneys for the payment of the war expenses assumed by Indiana, we find the following enactment, passed by the General Assembly, and approved on the 6th day of May, 1861:

"An act making an appropriation to defray the expense of preparing to respond to the call of the President of the United States for troops, approved May 6, 1861.

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sum of one hundred thousand dollars be, and the same is hereby appropriated to the Governor's Contingent

Fund, for the purpose of paying the expense of calling out and sustaining the militia, under this requisition of the President of the United States, and that the same shall be drawn on the order of the Governor, specifying the articles, and from whom purchased, the services rendered, and by whom, and that said order shall be in the Auditor's office before a warrant is issued therefor, except in such cases where the same may be deemed expedient by the Governor, but that he keep a detailed statement thereof, and report to the ensuing General Assembly, all disbursements by him made out of said fund, specifying each item thereof.

Section 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore it shall take effect and be in force from and after its passage."

Out of this ample appropriation of one hundred thousand dollars, it was expected that all expenses which had been incurred would have been paid, and certainly that the Governor would have allowed that the requirements of the law of May 4, 1861, directing the payment of the loan of \$25,000 out of this fund. That was a reasonable expectation, because it was a lawful one. It was specially appropriated "for the purpose of paying the expenses of calling out and sustaining the militia," &c., and the twenty-five thousand dollars was borrowed in advance for *that* purpose.

On the 31st of May, 1861, the Senate adopted the following resolution:

"*Resolved*, That the Governor be requested to furnish a detailed statement to the Senate of the expenditure of the one hundred thousand dollars appropriated for a contingent fund to the Governor, at the commencement of the present General Assembly."

To this resolution the Governor returned the following reply, June 1st, 1861:

STATE OF INDIANA,  
EXECUTIVE DEPARTMENT,  
*Indianapolis, June 1, 1861.* }

*To the Senate of the State of Indiana:*

At 8 o'clock last evening, a resolution passed by your honorable body, calling upon me to give a detailed statement of the expendi-



tures of the one hundred thousand dollars appropriated as a military contingent fund to the Governor, was laid before me.

In the brief period allowed for the answer, it will be impossible to give all the items, which would involve an examination of over two thousand vouchers. These vouchers are on file in the office of the State Auditor.

From the records in my office, a general statement can be given.

On the 4th day of May last I drew from the treasury, on account of said fund, the sum of \$10,000; of this amount, \$6,000 was immediately paid to J. H. Vajen, Quartermaster General, on account of debts already accrued; \$616 63 was paid for telegraphing; the balance, \$3,383 37, was deposited to the credit of the State, as a reserved contingent fund, and is still unexpended. Since that time I have examined and passed vouchers to the amount of \$133,177 78. Of this amount \$25,000 was paid by a loan made from the bank before the meeting of the Legislature. The above sums were all expended for subsistence, clothing, equipments, and transportation of the troops raised in this State, for State and Federal purposes, and incidental expenses connected therewith. *It will be seen that the fund is exhausted.* This results from the fact that the troops were on hand and had to be provided for, and that the second appropriation was not made until the 30th of May—two days ago.

All of which is respectfully submitted.

O. P. MORTON, Governor.

Here, on June 1, 1861, less than thirty days after the passage of the act granting one hundred thousand dollars for the Governor's contingent fund, that officer reports to the Senate that "*the fund is exhausted,*" leaving the impression that it had been all paid out in obedience to the law, and for objects which the law contemplated.

This statement was received without any doubt of its accuracy, and especially as the House of Representatives sent to the Senate, on the 29th day of May, 1861, a bill appropriating a further sum of twenty-five thousand dollars for the Governor's contingent fund. As the General Assembly had already passed an act appropriating one million of dollars for the general purposes of the organization of troops, this body did not see the propriety of granting any further special fund to the Governor, and the bill from the House failed to receive the sanction of the Senate. Thus matters stood at the close of the extra session, and the further history of the Governor's



contingent fund is disclosed in the Auditor's report, on the first of November, 1861.

In that report Auditor Lange says :

From a report submitted to the Legislature, at the extra session, it would seem that Governor Morton labored under the impression that the first \$100,000, charged to the military fund, had been charged to the "military contingent fund." Twenty thousand dollars of this being a loan to the General Government for the support of troops, made by the Governor, was properly charged to the "military contingent fund." The rest was properly charged to the military fund, as will appear from the vouchers on file at this office.

It will be discovered in the above extracts from the Auditor's report that when he speaks of the "military contingent fund," he means the "Governor's contingent fund." This should be borne in mind, in order to understand the condition of these several funds at the time to which this investigation refers. There has been manifest irregularity in the manner of drawing on these separate funds, and the Governor and State officers do not seem to comprehend that system and regularity are essential to conducting properly the affairs of the State at a time like this. We will cite briefly some of these irregularities as a sample of others. For instance: Warrants Nos. 2,941, 2,942, 2,943, and 2,944, were drawn upon the Governor's contingent fund, on the 20th, 21st, and 22d days of May, 1861. On the 21st day of May, 1861, Governor Morton, by warrant 3,197, in favor of W. S. T. Morton, who had furnished "accoutrements," drew upon the Governor's contingent fund for \$9,750 75. All these payments are charged up to this "military fund," and not to the fund upon which they were drawn. This is shown by the books of the Auditor and Treasurer of State. The "military fund" did not exist at the date of the warrants, and no money existed by which to pay them, for the law appropriating the sum of one million of dollars for this "military fund," did not pass till the last days of May, and was approved only on the 31st of that month. By what authority the change was made, or for what purpose, the committee have no means of knowing, but the whole operation seems to be both irregular and unwise. The statements of the Governor, on the one hand, and the statements of the Auditor and Treasurer of State on the other, do not harmonize.

The Governor's report to the Senate of June 1, 1861, says the contingent fund "is all exhausted," while the Auditor says that only \$20,000 dollars of that fund was expended, and that sum was drawn out by the Governor himself. The Treasurer of State, in reply to a resolution of the Senate, says, under date of January 20, 1863, "there has been paid out, for war purposes, between the days specified, (the 17th day of April and 30th day of May, 1861,) out of the contingent and military contingent funds, \$47,170 83; out of the military fund \$49,819 96; out of the State arms fund \$12,232 59. I have no means of knowing the precise amount devoted to war purposes out of the above sum of \$47,170 83, as the accounts of the contingent fund proper, and the military contingent fund, were blended together."

This is the testimony of the Treasurer of State; and the committee cannot but believe that blending together funds specifically appropriated, and for objects so dissimilar, is liable to great abuse, and should be discontinued altogether. Irregularity commenced at the very outset of the war expenditures. The bank debt made before the assembling of the extra session (\$25,000), and which was drawn for against the "Governor's contingent fund," was never charged to that fund at all, but has been transferred to the general military fund, and the same paid out of the treasury, as we conceive, without the warrant of law. To decide this point, it is only necessary to ask, "was the Governor's contingent fund in such a state that this \$25,000 could be paid out of moneys remaining unexpended?"

The committee, on the authority of the Governor, the Auditor, and Treasurer of State, unhesitatingly declare that it was able to discharge that debt.

Auditor Lange says, in his report of November, 1861, that the Governor's contingent fund had been drawn on but for \$20,000, and Mr. Harvey, the Treasurer, says that the contingent and military contingent funds only contributed \$47,819 96 previous to May 30, 1861. All the testimony is, that the Governor's contingent fund was ample to discharge the bank debt. Why was not this done, as the law required? Considering this whole matter in a dispassionate manner, the committee are bound to declare that, in their opinion, the law has not been complied with, nor its authority respected.

In regard to the second resolution of the Senate, directing the committee to inquire and report whether there has been any viola-

tion of the embezzlement laws, and, if so, at what time, and by whom? The committee, for a full understanding of these laws, will refer the Senate to the sections which impose penalties for such offenses.

Before doing so, however, it is proper that we should refer to the legislation which preceded and followed this enactment. On the breaking out of the rebellion which has led to military operations, the General Assembly passed an act appropriating \$1,000,000 for the purpose of organizing and equipping troops in this State. We copy below the first and fifth sections of this act, in order that the Senate can comprehend the intentions of the legislative authority of Indiana. They are as follows:

An act making additional general appropriations for the years 1861 and 1862, and defining the funds from which they are to be paid, and providing for a committee to audit claims upon said appropriation, and providing for the expenses thereof, approved May 31, 1861.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That the sum of \$1,000,000 be and the same is hereby appropriated to defray the expenses growing out of the insurrectionary condition of a portion of the United States, and in enlisting, maintaining, and subsisting troops, and providing munitions of war, including, also, the expense of this session of the General Assembly.

SEC. 5. That there shall be appointed a committee, consisting of two members of the House and one of the Senate, to be denominated an Auditing Committee, whose duty it shall be to meet at Indianapolis monthly, and examine and audit the accounts of the Commissary General and Quartermaster General, and all other accounts, either for pay of men or materials of any kind purchased and designed to be paid for out of the appropriation made in the first section of this act; and the Auditor of State is expressly prohibited from paying any claim of any description whatever, except for legislative expenses, out of the appropriation made in the first section of this act, until said claim has been audited and certified by said committee, or a majority of them.

This law is very plain, and no man or officer, unless he intends to disregard the plainest provisions of law, can mistake or misap-

prehend it. It left nothing to the choice or caprice of any officer of the State government. It was mandatory. It would be very difficult to frame or employ language to express a wish more clearly. And yet this right of the General Assembly was called in question, and the people's representatives defied and placed at bay by the officials which then had charge of the departments here.

There could be no question of the power of the Legislature to constitute this Auditing Committee, composed of members of both branches. The Courts have so decided. This feeling of resentment against the legislative power of the State has been inaugurated for no worthy purpose, and it is for the people to apply a corrective. Men occupying executive and other departments and positions at the seat of the State Government, have but too often interposed to stifle the rightful course of legislation, and to tell the Representatives and Senators who are sent up to make and enact necessary and wholesome laws, what shall be done and what shall not be done—everything is expected to bend to the one man power, and all attempts to put a check upon extravagance and arbitrary rule is met by a scowl or repelled by official insolence. This Auditing Committee was refused all power or access to a discharge of its duties, and it was not till the Courts had sustained the law that these Representatives were allowed to enter upon the discharge of their functions. The same spirit which prompted this gross interference in the legitimate action of the last General Assembly is equally active in stifling off those now here with fresh indorsements of the people.

The provisions of the embezzlement acts are intended for a wise purpose, and it is obligatory on all men who assume the duties of public place and position to see that they are enforced. Those provisions are simple and to the point, as follows :

SEC. 8. If the Auditor of State shall draw any warrant upon the Treasurer of State, unless there be money in the Treasury belonging to the particular fund upon which the same is drawn to pay the same, and in conformity to appropriations made by law, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than one thousand dollars, and be imprisoned in the county jail not less than one nor more than six months.

SEC. 9. If the Treasurer of State shall use the money of any particular fund, or the money appropriated by law for any particular purpose, to pay any warrant drawn upon any other fund or appropriation, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars, nor more than five thousand dollars, and be imprisoned in the county jail not less than one month nor longer than six months.

This committee has no disposition to speak unkindly of those who forgot the laws of the State, but there is so much at stake, in times like these, when the money of the people is scattered broadcast, that this Senate would be unmindful of its duty if it failed to condemn those departures from duty which are so glaringly manifested of late. There never was, in the history of legislation, an enactment so much needed as the one from which we extract two sections, as above. It was designed to protect the Treasury of the State, and to save the means of the people from the depredations of officials placed in charge of their moneyed affairs. The embezzlement law is a good one; but how has it to be observed?

Let us come to the facts. On the 4th day of May, 1861, the General Assembly passed an act which we place in full at the beginning of this report, in which the borrowing of the \$25,000 from a Bank of this city, by the Governor, &c., is legalized, and it makes an appropriation on May 6, of \$100,000, to be known as the Contingent Fund of the Governor, and provides that the said \$25,000 thus borrowed shall be paid out of that fund. Has this been done? Has that law been complied with? Not at all. On the contrary, the loan has been paid and charged to another fund, the "Military Fund," which had no existence at the time the authority was given, nor for nearly thirty days thereafter. There was no enactment of any sort authorizing the "Military Fund," and yet when this appropriation of a million of dollars is voted by the General Assembly, the Auditor of State, out of this fund, pays the loan of \$25,000 while he had \$80,000 of the Governor's Contingent Fund on hand, and from which he was directed to pay the borrowed money. If this is not violating the law, and taking money from one appropriation and applying it to another, then it is useless to put human laws in plain language to guide public men. The committee wish to be perfectly respectful to a co-ordinate branch of the Government,



but it does seem to them that this is an infraction of all the forms and spirit of that law, and should receive the notice of this Senate. It will also be seen, by the tables annexed, that large orders for money were drawn, from time to time, on the Military Fund during the month of May, and before any appropriations were made for the purpose. The Auditor and Treasurer were aiders in these irregularities, and in this have come short of their duty to the State and her laws.

It is but right that notice be taken of these departures from a strict administration of the department at the seat of Government, for a law violated gives new occasions for disregarding others of equal importance. The nation is now engaged in "upholding the supremacy of the law," and putting down a rebellion against them, and it would be a rare instance of human folly to spend millions upon millions for such a purpose, and yet permit our Governor and State officials to disregard those of our own General Assembly, instituted as these laws were, for the protection of the public treasury.

The committee are aware, and properly consider the embarrassments under which the State officials labored in May, 1861, and would not harshly judge either them or the acts referred to; they would not willingly add an undeserved reproach, or recommend a harsh measure, but the committee is forced to the conclusion that it was the duty of the Auditor and Treasurer of State to frankly acknowledge that their action was irregular, and, at the same time, invoke for it, such legislation as would vindicate the law, and release them from all intentional or covert violation of the solemn enactments of the General Assembly.

Respectfully submitted,

J. D. WILLIAMS, *Chairman*.  
P. HOAGLAND,  
AUG. BRADLEY,  
FRANKLIN LANDERS,  
H. K. WILSON.

Mr. Claypool, from the same committee, submitted the following report :

MR. PRESIDENT :

The minority of the Committee on Finance, to whom was refer-



red certain resolutions, instructing them to report whether the \$100,000 appropriated to the Governor as a Military Contingent Fund, had been expended according to the intent and meaning of the law, and whether there had been any violation of the embezzlement laws, and if so, at what time, and by whom, beg leave to submit the following report:

The report of the majority was submitted, for the first time, to the minority, on yesterday, and is a long and elaborate document, and improperly purports to be the work of the entire committee.

The minority of the committee were never notified of any meeting of the committee, at which the subjects of the aforesaid resolutions were to be presented, nor were they aware that a report was being prepared, or that an investigation was being made. If any meetings of the committee were ever held to consider the subject embraced in the report, the minority have no knowledge of them. No opportunity has been presented for mutual investigation and comparison of opinions, such as seems to have been contemplated in the establishment of legislative committees, and we submit that a report presented to the Senate, under such circumstances, should be received only after rigid scrutiny, if received at all.

The principal charge in the report is that a loan of 25,000 dollars, made on the 17th of April, 1861, by the Governor, Auditor, Treasurer and Secretary of State, for military purposes, was paid out of the wrong fund. It is not pretended that the loan was improperly paid—only that the payment of it was charged to the military fund, instead of the military contingent fund. If we concede the charges to be true it does not appear, nor is it pretended, that the State has lost a dollar in consequence, nor is it anywhere pretended that any portion of the military contingent fund, or military fund, has been squandered or fraudulently used. The report shows that on the 4th of May, 1861, an act was approved legalizing the said loan, and the act of the Auditor in depositing with the bank, stocks to secure the same, and providing that it should be paid out of the contingent fund of the Governor, appropriated for the purpose of defraying the expenses of responding to the proclamation of the President for troops.

At this point it becomes very material to consider the fact that at the time of the approval of this act, no appropriation had been

made for the Governor's contingent fund, except five thousand dollars for 1861, and five thousand dollars for 1862, made at the preceding regular session. Subsequent, however, to the act of the 4th of May, another was passed appropriating 100,000 dollars for a military contingent fund, to be expended by the Governor in the manner pointed out by this act. The first section of the act provides that 100,000 dollars shall be appropriated for paying the expense of calling out and sustaining the militia under the requisition of the President, that the same should be drawn upon the order of the Governor, specifying the articles, and from whom purchased, the services rendered, and by whom, and requiring him to keep a detailed statement thereof, and report to the ensuing General Assembly all disbursements made by him out of the said fund, specifying each item thereof. No provision is made for paying a bank debt of twenty-five thousand dollars, nor could such payment be made consistently with the terms of the bill.

The majority of the committee agree that the bank debt could have been properly paid out of this fund, because the loan was contracted to procure money to pay upon debts of the same character provided for in the act; but argument is futile in the face of the provisions of the act, which declares that the money shall be paid out on military accounts, and directs how the accounts shall be kept. If it were intended that so large a portion of this fund was to be employed on the payment of a bank debt previously contracted, provisions would have been made for it, or at least provisions would not have been inserted inconsistent with such intention.

The argument of the majority of the committee is unfortunate in this, that although the act of the 4th of May provided that the bank debt should be paid out of a contingent fund which did not then exist; yet, afterwards, when the fund was created, a different direction was enacted for the expenditure of the money.

It is further argued by the majority, that on the 28th of May, 1861, when the bank debt was paid, the military fund had not been created, and there was no fund out of which such payment could be made, except the Governor's contingent fund.

In this they have fallen into a palpable error, as will appear by reference to the last clause of the first section of the act of May 4th, 1861, providing for the payment of the bank debt, which clause

reads as follows: "And if no funds specially provided for the purpose of paying said debt should be in the treasury when it becomes necessary to pay the same, then the said debt shall be paid out of any money that may be in the treasury, and not otherwise specifically appropriated."

Now as the act appropriating the \$100,000 Contingent Fund did not specially provide for the payment of the said debt, then the clause we have quoted became operative, and provided for its payment out of any moneys in the Treasury, not otherwise specifically appropriated.

If any fault has been committed it was on the part of the Auditor charging up the amount paid on the bank debt to the Military Fund, and reducing the fund that much. It should have been charged to a fund to which no name is given in the act, but which is provided for in the clause of the act of the 4th of May, just quoted. But even supposing that an error has been committed in keeping the accounts, and that the payment of the bank debt should have been charged up to the Contingent Fund, the report of the majority is most unfortunate in the attempt made to connect the Governor therewith. The error will be the Auditor's who kept the accounts of the State, and upon whose books are entered the charges against the various funds created by law, and who classifies and preserves all vouchers. The report refers to no fact or circumstance connecting the Governor with the manner in which the account was kept by the Auditor, nor could any such statement be made with a shadow of truth. Various loans were made by the Governor and other State officers, during the year 1861, to raise money for military purposes, and when they fell due they were paid by the Auditor and Treasurer, without consulting the Governor, and without his agency. Not only is there no evidence to show that the Governor had any thing to do with the charging up the payment of this loan to one fund or to another, but the extracts from the Auditor's report for 1861, shows that he had not, and that the classification of the vouchers was the work of the Auditor himself.

We here quote the extract as set forth in the report of the Auditor:

"From a report submitted to the Legislature at the extra session,

it would seem that Governor Morton labored under the impression that the first \$100,000 charged to the 'Military Fund,' had been charged to the 'Military Contingent Fund.' Twenty thousand dollars of this being a loan to the General Government for the support of troops, made by the Governor, was properly charged to the 'Military Contingent Fund.' The rest was properly charged to the 'Military Fund,' as will appear from the vouchers on file at this office."

An elaborate attempt is made in the report, to complicate the Governor, by showing that on the 1st of June, 1861, he sent a communication to the Senate, in answer to a resolution of inquiry, stating that he had audited accounts to the amount of \$133,177 78, and that the Military Contingent Fund was exhausted. In obedience to a resolution introduced into the Senate at the present session by the Senator from Knox, the chairman of the committee, on the 20th day of January, the Governor submitted to this body a detailed statement of all the expenditures of the Military Contingent Fund, and referring to, and explaining the communication sent to the Senate by him on the 1st day of June, 1861. This report was printed and placed upon the desk of every Senator, and can not have escaped the attention of the majority of the committee. The majority, in their report, set forth at length the Governor's communication of the 1st of June, 1861, but entirely ignore his report submitted during the present session. This entire suppression of his last report, may be the result of accident, but we fear will subject the majority of the committee to public suspicions of unfair dealing. Had they presented the concluding part of that report, it would have left nothing to be explained by us, and would have rendered any report upon our part wholly unnecessary. We here quote the part referred to:

"On the first day of June, 1861, in answer to a resolution of the Senate, inquiring what disbursements had been made under the military contingent fund, I reported to that body that I had examined and passed vouchers to the amount of \$133,177 78, for the subsistence, clothing, equipment, and transportation of troops raised in this State for State and Federal purposes, from which it would appear that the military contingent fund was exhausted. This report was made from my own books, and not from those of the Auditor of State. Some time afterwards I was notified by the Auditor of State, Mr. Lange, that my statement that the fund was

exhausted is an error, inasmuch as the vouchers composing the above amount of \$133,177 78, had by him been charged to the military and other proper funds, all of which appeared by an examination of his books, excepting the sum of \$20,000, of which sum I had drawn from the treasury \$10,000 as the Governor of the State.

“Of this latter amount, \$6,000 was paid to John H. Vajen, as Quartermaster General of the State, for which he properly accounted by filing in the Auditor's office vouchers and receipts. The remaining \$4,000 I deposited in bank, in my official character, for a special purpose, but it not having been required, I returned the money into the treasury, with the interest that had accrued upon it in bank. The sum of \$616 63, alluded to in my former report as having been paid for telegraphing, was paid by a check, and turned out to have been charged to my private account in bank, leaving the official deposit of \$4,000 unbroken. This sum of 616 63 was repaid to me from the military fund.

“The account herewith presented of disbursements made under the appropriation of \$100,000, as a military contingent fund, is a transcript of the Auditor's account charged against that fund, as will appear by reference to the books and vouchers in his office.”

The above statement is a conclusive answer to the entire report of the majority, and could not have been quoted by them without destroying their elaborate production. It shows that of all the accounts accrued up to June 1, 1861, only \$20,000 had been charged to the contingent fund, and that the Auditor notified the Governor that he had charged the rest to the military and other funds, and this is confirmed by the report of the Auditor before quoted.

In the attempt of the report of the majority to establish the existence of irregularities in the manner in which the business has been conducted, certain vouchers are referred to, and one is singled out and presented, bearing the name of William S. T. Morton. While it is not pretended that there is anything wrong in the account or voucher, and the error is only in the fund to which it was charged, yet the selection of that name may lead many to suspect that it was done for a purpose which is not acknowledged in the report. Without intending, on our part, to charge any such purpose on the part of the majority of the committee, nevertheless we



are of the opinion that the public generally will believe that the report was prepared as an electioneering document, and was intended to injure public officers against whom no charge of misconduct in office has been successfully made. It should be a matter of profound congratulation to the Governor and the late officers of State, that although a full exhibit of the affairs of the State for the last two years has been before the country for many weeks, that all the zeal and industry of their political enemies have been unable to show that a single wrong has been committed. If there has been mistakes, they have been trifling, and the State has not suffered by them.

The majority of the committee, in their report, refer at some length to the embezzlement law, but the minority have failed to discover anything in their remarks showing corruption or fraud on the part of any of the officers of State. A suspicion is raised that the law has been violated, but we submit, if wrong has been done, if fraud has been committed, justice to the State, as well as to the officers intended to be implicated, require that the facts should be fully and specifically stated.

The undersigned, from the limited opportunities which have been afforded us in this investigation to look into the facts, are of the decided opinion that the law has been substantially complied with, and that neither the State nor any individual has suffered to the amount of one cent by any of the transactions which the majority have so conspicuously singled out in their labored report.

B. F. CLAYPOOL,  
J. H. MELLETT,  
O. P. DAVIS,  
O. BEESON.

On motion by Mr. Williams,

The further consideration of the reports was postponed and made the special order for 3 o'clock this afternoon.

A message from the House by Mr. Whitelsey, clerk thereof:

PRESIDENT:

I am directed to transmit to the Senate the following enrolled acts of the House, to-wit:



Enrolled act of the House No. 78. An act to enable the owners of wet lands to drain and reclaim them when the same cannot be done without affecting the lands of others.

Enrolled Act of the House No. 142. An act to amend the 656th and 661st sections of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1862.

Enrolled Act of the House No. 65. An act to amend the 655th section of an act entitled an act to revise, simplify, and abridge the rules of practice, pleadings, and forms in civil cases, in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Enrolled Act of the House No. 110. An act to amend section one of an act entitled "An act to amend section three of an act for the regulation of weights and measures," approved June 9, 1852, approved Feb. 28, 1855.

Which enrolled acts have been signed by the Speaker of the House of Representatives, and are respectfully submitted for the signature of the President of the Senate.

The President thereupon affixed his signature to enrolled acts Nos. 110, 147, and 142, contained in the foregoing message.

On motion by Mr. Bearss,

The Senate adjourned.

1½ o'clock, P. M.

Senate met.

Mr. Fuller, from the Committee on Manufactures, made the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Manufactures, to which was referred House bill No. 75, have had the same under consideration, and a majority of said committee have ordered me to report the same back with the recommendation that it pass.

Leave being granted,  
Mr. Douglass introduced

Senate bill No. 181, an act fixing the time for holding the courts in the tenth Judicial Circuit ;

Which was read a first time.

Mr. Douglass moved to suspend the rules so that the bill may be read a second time.

The ayes and noes being taken under a constitutional provision,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Grubb,	Pleak,
Bearss,	Downey,	Hartley,	Ray,
Beeson,	Ferguson,	Hord,	Reed,
Bradley,	Finch,	Jenkins,	Teegarden,
Campbell,	Fleming,	Johnson,	Williams,
Claypool,	Fuller,	Mansfield,	Wilson,
Cobb,	Gaff,	March,	Wolfe,
Davis of Parke,	Gifford,	Moore,	Wright, and
Davis of Cass,	Graves,	Murray,	Mr. President—36
Dickinson,			

So the rules were suspended, and Senate bill No. 181 was read a second time.

Mr. Johnson moved to suspend the rules, so that the bill may be read a third time now.

The ayes and noes being taken under a constitutional provision,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hartley,	Pleak,
Bearss,	Downey,	Hord,	Ray,
Beeson,	Ferguson,	Jenkins,	Reed,
Bradley,	Finch,	Johnson,	Teegarden,
Campbell,	Fleming,	Mansfield,	Williams,
Claypool,	Fuller,	March,	Wilson,
Cobb,	Gaff,	Moore,	Wolfe,
Davis of Parke,	Gifford,	Murray,	Wright, and
Davis of Cass,	Graves,	New,	Mr. President—37
Dickinson,	Grubb,		

Nays none.

So the rules were suspended, and Senate bill No. 181 was read the third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hartley,	Pleak,
Beeson,	Ferguson,	Hord,	Ray,
Bradley,	Finch,	Jenkins,	Reed,
Campbell,	Fleming,	Mansfield,	Teegarden,
Claypool,	Fuller,	March,	Williams,
Cobb,	Gaff,	Mellett,	Wilson,
Davis of Parke,	Gifford,	Moore,	Wolfe,
Davis of Cass,	Graves,	Murray,	Wright, and
Dickinson,	Grubb,	New,	Mr. President—36
Douglass,			

Noes none.

So the bill passed.

Mr. Cass, chairman of the Committee on Corporations, submitted the following report, which was concurred in :

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 179, entitled "an act to protect shareholders, and to prevent officers and employees from embezzling and squandering the earnings of railroad companies," would respectfully report that they have had said bill under consideration, and now report the same back without amendment, and recommend its passage.

Leave being granted,

Mr. March introduced

Senate bill No. 182, a bill to provide for the submission to the vote of the electors of the State certain amendments to the Constitution.

Which was read a first time.

Mr. March moved to suspend the rules, so that the bill be read a second time by title only.

The ayes and noes being taken under a constitutional provision,

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Grubb,	Pleak,
Bearss,	Douglass,	Hartley,	Ray,
Beeson,	Downey,	Hord,	Reed,
Berry,	Ferguson,	Jenkins,	Teegarden,
Bradley,	Finch,	Johnson,	Williams,
Campbell,	Fleming,	Mansfield,	Wilson,
Claypool,	Fuller,	March,	Wolfe,
Cobb,	Gaff,	Melletts,	Wright, and
Davis of Parke,	Gifford,	Murray,	Mr. President—38
Davis of Cass,	Graves,	New,	

Mr. Moore voting in the negative.

So the rules were suspended, and the bill read a second time by title only, and referred to a select committee of three, consisting of Messrs. March, Claypool and Ferguson.

On motion by Mr. Wolfe,  
Senate bill No. 140 was taken up.

Mr. Wolfe moved to recommit to a special committee of three, with instructions to amend as follows:

"In section three, and line thirty, after the word "shall," insert the word "not."

Mr. Mellett moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Mellett and Wolfe, and being taken, resulted as follows: Ayes 22, noes 18.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Mansfield,	Pleak,
Bearss,	Dickinson,	March,	Reed,
Beeson,	Downey,	Mellett,	Teegarden,
Berry,	Ferguson,	Murray,	Wilson and
Campbell,	Graves,	New,	Wright—22.
Claypool,	Grubb,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Finch,	Hartley,	Moore,
Bradley,	Fleming,	Hord,	Ray,
Cobb,	Fuller,	Jenkins,	Williams,
Davis of Cass,	Gaff,	Johnson,	Wolfe, and
Douglass,	Gifford,	Landers,	Mr. President—18

So the motion to lay on the table was agreed to.

Mr. Williams moved to reconsider the vote just taken.

Mr. Mellett moved to lay this motion on the table.

Mr. Gifford asked and obtained leave of absence for Mr. McClurg this afternoon.

On motion by Mr. Wolfe,

A call of the Senate was ordered, and being taken, the following named Senators answered to their names:

Messrs.	Davis of Cass,	Grubb,	Murray,
Bearss,	Dickinson,	Hartley,	New,
Beeson,	Douglass,	Hoagland,	Pleak,
Berry,	Downey,	Hord,	Ray,

Blair,	Ferguson,	Jenkins,	Reed,
Bradley,	Finch,	Johnson,	Teegarden,
Campbell,	Fleming,	Landers,	Williams,
Claypool,	Fuller,	Mansfield,	Wilson,
Cobb,	Gaff,	March,	Wolfe,
Culver,	Gifford,	Mellet,	Wright, and
Davis of Parke,	Graves,	Moore,	Mr. President—43

Messrs. McClurg and Shields were excused.

Mr. Landers moved that the absentees be sent for.

The ayes and noes were demanded by Messrs Claypool and New, and being taken, resulted as follows—ayes 26, noes 17:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Finch,	Hoagland,	Ray,
Bradley,	Fleming,	Hord,	Reed,
Cobb,	Fuller,	Jenkins,	Williams,
Davis of Cass,	Gaff,	Johnson,	Wilson,
Douglass,	Gifford,	Landers,	Wolfe, and
Downey,	Graves,	Moore,	Mr. President—26
Ferguson,	Hartley,	Murray,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Grubb,	New,
Bearss,	Claypool,	Mansfield,	Pleak,
Beeson,	Culver,	March,	Teegarden, and
Berry,	Davis of Parke,	Mellet,	Wright—17.
Blair,	Dickinson,		

So the motion was agreed to, and the Doorkeeper was sent after the absentees.

On motion by Mr. Murray,

This question of the call was informally passed over,

And the Senate proceeded to the consideration of House bills on their third reading.

Mr. Blair, from the Committee on Enrolled Bills, made the following report:



MR. PRESIDENT :

The Committee on Enrolled Bills would report that House bill No. 94, was at a quarter before ten o'clock this morning, presented to the Governor for his approval and signature.

On motion by Mr. Cobb,

House bill No. 17. An act to confirm and make valid sales of lands made by trustees and foreign executors ;

Was read the third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Grubb,	Moore,
Bearss,	Dickinson,	Hartley,	Murray,
Beeson,	Douglass,	Hoagland,	New,
Berry,	Downey,	Hord,	Pleak,
Blair,	Ferguson,	Jenkins,	Ray
Bradley,	Finch,	Johnson,	Reed,
Browne of R.,	Fleming,	Landers,	Teegarden,
Campbell,	Fuller,	Mansfield,	Williams,
Claypool,	Gaff,	March,	Wilson,
Cobb,	Gifford,	Marshall,	Wright, and
Culver,	Graves,	Mellet,	Mr. President—44

Mr. Wolfe voting in the negative.

So the bill passed.

House bill No. 107. An act for the relief of Nineveh Berry, coming up in order,

Mr. Ray moved to reconsider the vote by which the amendments were adopted.

Mr. March made an ineffectual motion to lay this motion on the table.

The ayes and noes were demanded by Messrs. March and Claypool, with the following result:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hartley,	Murray,
Bradley,	Finch,	Hoagland,	Ray,
Cobb,	Fleming,	Hord,	Teegarden,
Culver,	Fuller,	Jenkins,	Williams,
Davis of Parke,	Gaff,	Johnson,	Wilson,
Davis of Cass,	Gifford,	Landers,	Wolfe, and
Dickinson,	Graves,	Marshall,	Mr. President—28.
Douglass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Mansfield,	New,
Bearss,	Campbell,	March,	Pleak,
Beeson,	Claypool,	Mellet,	White, and
Berry,	Downey,	Moore,	Wright—18.
Blair,	Grubb,		

So the vote was reconsidered.

The question recurring on the adoption of the amendment,  
It was rejected.

The question being, shall the bill pass ?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Ferguson,	Hartley,	Moore,
Berry,	Finch,	Hoagland,	Murray,
Bradley,	Fleming,	Hord,	Ray,
Cobb,	Fuller,	Jenkins,	Williams,
Corbin,	Gaff,	Johnson,	Wilson,
Davis of Cass,	Gifford,	Landers,	Wolfe, and
Douglass,	Graves,	Marshall,	Mr. President—27

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Downey,	New,
Bearss,	Claypool,	Grubb,	Pleak,
Beeson,	Culver,	Mansfield,	Teegarden,
Blair,	Davis of Parke,	March,	White, and
Browne of R.,	Dickinson,	Mellet,	Wright—19.

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Finch, chairman of the Committee on Federal Relations, submitted the following report:

MR. PRESIDENT:

The Committee on Federal Relations, of the Senate, to whom was referred the proceedings of the officers of the 20th regiment Indiana volunteers, held at Camp Pitcher, Virginia, on the 19th of February, 1863, the memorial of the 19th regiment of Indiana volunteers, as well as the memorial and proceedings of the 6th, 15th, 17th, 22d, 29th, 34th, 32d, 37th, 38th, 39th, 40th, 42d, 44th, 51st, 57th, 58th, 72d, 73d, 75th, 79th, 82d, 86th, and 101st regiments of Indiana volunteers, have had the same under consideration, and having bestowed upon those proceedings the respectful and earnest consideration to which they are entitled, have instructed me to report the following general reply to the suggestion of our gallant volunteers now in the field:

*To the Regiments now in the field from Indiana, and to the officers and men who compose them:*

FELLOW CITIZENS:—We have received from twenty-five Indiana regiments, and from the 5th, 7th, 8th and 10th batteries of artillery, words of counsel and advice, in the present imperiled condition of our beloved country. These words were borne to us in the language of true patriotism, and are accepted by the Senate of Indiana with that respect which is due to gallant men engaged in the service of their once peaceful, but now distracted country. From no portion of our fellow-citizens could these suggestions be more acceptable. But two short years ago you were in the midst of our people, sharing, in the various walks of life, the cares and responsibilities of civil occupations, and enjoying those endearments which make up the sum of human happiness—for man, after all his toils, has nothing left to him but “wife, children and friends,” the enjoyment of home, and the love of a constitution and government which is to descend to his posterity, it is to be hoped, forever. It is for these that men labor. Beyond those objects, in this world, there is nothing that challenges the constant and persistent effort of our race. For these we all contend in life’s short career. You are now in the

tented field, and we in the Legislative halls of our beloved State—each endeavoring to put down a rebellion, and preserve a constitution—the one hated, the other adored. That each effort may be successful, is the prayer of the Indiana Senate!

We fear, gentlemen, that you have heard much that was untrue in regard to the intention of the General Assembly which convened at this Capital on the 8th day of January last. You have heard a great deal that was untrue before that time. For more than a year past there has been a constant effort to mislead your minds in regard to the feelings of a majority of the people of Indiana, and we doubt not that it will be continued. There is an object to be gained. On every account we shall regret its success, because that would do more to ensure “divided councils,” which you so properly deprecate, than any one thing else. There should be strict justice meted out to all our people, for each and every man in Indiana has the same interest in restoring the authority of the Government, and bringing all the States back into one harmonious union. The humblest citizen and the proudest in the land should have a common object in view in keeping the States together, and he is no friend of the nation who would divide us up into factions at a time like this, by false representations of the aims and intentions of the great mass of the people of Indiana. The majority of this General Assembly have suffered much from the ungenerous accusations of partisans in and out of office. They have forborne to repel these charges, as they deserved, for the sake of quiet and peace at home, determined to rely upon their actions as the best and most worthy defence of themselves in your eyes, and the eyes of the great and patriotic people of your State. We have remained comparatively silent, and while the influence which surround the Executive Chamber of this Capitol were used to prejudice this majority, and to make you believe that you had enemies at home, we, and those for whom we act, had sealed their lips, looking forward to the day when truth, and not falsehood, would break in upon the land. The very money which the majority of the people had paid for your comfort and benefit in the hospital, and in the sick-room, were turned into means of detraction by the agents paid out of that most sacred fund. These agents had access to you, and that privilege was abused to poison the minds of the sons and brothers of those who had willingly taxed themselves for the comfort of the soldier. You have, no doubt, seen those men in your camps, and you have listened to

the recitals of those pensioned patriots—pensioned out of the money which ought to have been appropriated for your exclusive benefit. All this has been borne in silence. We now thank you for the opportunity which has been thus offered to set the true state of the facts before our gallant army. We ask only to be heard for the sake of truth.

We are accused of encouraging a partisanship in regard to this war, of which we are entirely guiltless. There has been no act or resolution passed, and none indorsed by either house of the General Assembly, which gives warrant or color to such a charge. There are measures of policy adopted by Congress and the President, to which we have or will enter our solemn protest, as the people of Indiana have done at the election in October. Men who make up and sustain the Government, as you, the people, and ourselves do, have a right to condemn such measures, if, in the exercise of a sound judgment, we regard them as intended to divide the people in the vigorous prosecution of the war. It is for the President to adopt a war policy for the army in the field, and it is the right of the people's Representatives in Congress, and in the local legislatures, to adopt such wise and prudent enactments in regard to the civil administration of public affairs as will most surely bring all the States back into the Union after the war is closed. This power and duty we claim for Congress and the local legislatures, and, without the rightful and free exercise of this power, neither the soldiers in the field, nor the citizens at home, would have institutions worth fighting or contending for.

If the President can do as he pleases, and there shall be no limit to his power, then popular elections are a farce, and State Governments a nullity. We know you too well to believe that you would ever consent to the establishment of a doctrine so slavish. The gallant soldiers would be the first victims of such a despotism. The people and the State Governments are your own strong and sure defense against oppression now and neglect hereafter. Give neither up at the bidding of those who would degrade you and your fathers, brothers, neighbors, and fellow-citizens to the condition of serfs, and the bondage of slaves. Neither the soldiers or the people are prepared for such political humiliation.

Let us look to the history of our actions here and elsewhere, and the causes which have led to the ascendancy of the majority in this



chamber. It was manifest before the adjournment of Congress, at the first regular session, that the whole policy of the Administration in conducting the war had been changed, and that new and startling measures were inaugurated at Washington. This created wide-spread alarm amongst the people in all the free States, and aroused a sentiment which demanded the convocation of a mass convention of conservative and loyal citizens at Indianapolis. That convention was held on the 30th day of July, 1862. It was called to give utterance to its sentiments in regard to the measures to which we have alluded. We cannot better define the position of the majority of this Senate and the other House, and of the people of Indiana, than by giving the resolutions adopted by the vast concourse of your fellow-citizens which assembled on that occasion. They are as follows :

*Resolutions adopted at the Mass Meeting of the Democrats and other conservative citizens of Indiana, at Indianapolis, July 30, 1862.*

That the Constitution, the American Union, and the Laws made under and by the authority of the Constitution, must be preserved and maintained in their proper and rightful supremacy—that the rebellion now in arms against them must be suppressed and put down, and that it is the duty of all good citizens to aid the General Government in all measures necessary and proper to that end.

That the Democracy of Indiana, with patriots everywhere, have made and will continue to make every sacrifice to the end that the rebellion may be suppressed, the supremacy of the Constitution maintained, and the Union under it preserved, but they are unalterably opposed to a war of conquest and subjugation, and they will never consent that the war on their part shall be waged for the purpose of interfering with the rights or overthrowing the established institutions of any of the States. In the language of Senator Douglas, uttered at Chicago a few days before his death: "We must not invade constitutional rights. The innocent must not suffer, nor women and children be the victims. Savages must not be let loose."

That we protest, in the name of ourselves and of our children, and in the name of all that we hold dear in the future of our beloved country, against the mischievous measure of negro emancipation in the District of Columbia, and the payment for such negroes out of the National Treasury; and we further protest against



the resolution of Congress pledging the nation to pay for all negroes which may be emancipated by the authority of any of the Southern States; that we regard such measures, involving as they do an expenditure of two thousand five hundred millions of dollars, as measures of transcendent enormity, and fruitful only of National beggary to the land we love; that we are unalterably and unconditionally opposed to all schemes having for their object, immediate or remote, the taxation of the white man for the purchase of negroes anywhere; that we deny the constitutional right of the President or Congress to adopt a policy which taxes white labor to pay for negroes, or which would make the Government or people slave dealers—a policy which, if not arrested by the votes of the people, will entail upon unborn generations of our kindred a debt more overwhelming and appalling than ever cursed any nation of ancient or modern times.

That in opposition to measures of this kind we desire to interpose the peaceful and powerful agent, the ballot of a free people, and say, in the language of another, "We will neither surrender our rights nor forsake them. We will maintain our constitutional liberty at all hazards, and as a necessary step towards that end, we will maintain the Union in like manner. We are for the Constitution as it is, and the Union as it was."

That, in the language of the resolution of the conservative members of Congress, the doctrine of the Secessionists and of the Abolitionists, as the latter are now represented in Congress, are alike inconsistent with the Constitution and irreconcilable with the unity and peace of the country. The first have already involved us in a civil war, and the others (the Abolitionists) will leave to the country but little hope of the speedy restoration of Union or peace.

That this Convention denounces, as unwise and unpatriotic, all organizations, secret or open, having for their object the nullification of, or resistance to, the laws of the State, or of the United States—that oppressive laws and unwise legislation find their proper correction only at the ballot box, where a change of legislators will produce the wished for reform of bad and odious laws, and to that tribunal only will the patriot resort in this hour of his country's trial. We hold sacred and binding every enactment till repealed or declared nugatory by competent legal authority.

That the happy accord of the Border State Union men of Kentucky, Maryland, Missouri, and Western Virginia, with the Democratic delegations in Congress, in their joint efforts to arrest the tide of fanaticism in both Houses, has filled all National hearts in this State with sentiments of deep affection for our brethren of those gallant Commonwealths, and we hereby pledge to them and the country, our best efforts to secure to the councils of the nation statesmen who will labor to restore the union of the States on the basis, and in the spirit of our matchless and revered Constitution.

That the people of Indiana, having inhibited, by the State Constitution and law, the entrance of free negroes and mulattoes into this State, and as the present disturbances on our border are likely to bring in an influx of that population from neighboring States, we respectfully ask the public authorities of Indiana to see that the Constitution and laws are properly enforced on that subject. When the people of Indiana adopted that *negro exclusion clause* by a majority of *ninety-four thousand votes*, they meant that the honest, laboring white man, should have no competitor in the black race—that the soil of Indiana should belong to the white man, and that he alone was suited to her free institutions.

That the people justly view with alarm the reckless extravagance which pervades every department of the Federal Government; that a return to rigid economy and accountability is indispensable to arrest the systematic plunder of the public treasury by favored partisans, while the recent startling developments of frauds and corruptions at the Federal Metropolis, show that an entire change of administration is imperatively demanded.

That we approve of and indorse the resolutions drawn by Hon. John J. Crittenden, and adopted by the conservative members of Congress, on the 22d day of January, 1861, as a clear and just declaration of the objects which ought to be had in view by the American people in the present fearful emergency of their national affairs.

That we recur with patriotic pride to the bravery and valor of the officers and soldiers of all the Indiana regiments, exhibited in the struggles upon the many bloody fields in which they have been engaged, and that this Convention, in behalf of the Democracy of

this State, tender to them a united testimony to their valor and devotion to the Constitution and the Union, and offer to the friends and families of those who have fallen in the service of their country its sincere sympathy and condolence, and that we will ever cherish in grateful recollection the willing sacrifice made by the noble sons of Indiana, in exchanging the peaceful avocations of life for the hardships and perils of war.

The Convention which passed these resolutions was attended by forty thousand citizens of Indiana, who had come up from every neighborhood and county in the State. Since the days when the white man first set his foot upon the soil of Indiana, there was never such an assemblage of the white race within the confines of this city. We may declare, too, that it was composed of as many unselfish men as ever attended a Convention. That there was politicians among them it would be uncandid to deny, but what gathering of the masses of the people has ever taken place, where that could not be said. It was, indeed, a mighty host of freemen, who met to counsel together. Many of them were the fathers, the brothers, or relations, of the men composing the grand army of the nation—all of them your friends.

And what can be said against the above resolutions? What against the principles laid down for the government of a great nation? Is there any disloyalty to the Government in their tone or spirit? They are plain and to the point. They have the merit of candor. It is no sectional or party platform, but embraces our whole country. We there pledged Indiana to the prosecution of this war for the high and holy purpose of restoring the Union, "putting down the rebellion now in arms against it, and that it is the duty of all good citizens to aid the General Government in all measures necessary and proper to the end." We stand by that pledge to-day.

The majority of this Senate and the other House, all the State officers, seven members of the lower branch of Congress, and a United States Senator, have all been elected on the grounds assumed by that convention. It condemned certain measures of Congress and the President, and took issue with the Republican Convention, which did not indorse, and would not condemn them. One of these measures of Congress was particularly obnoxious. It pledged

the nation and people to pay for negroes which might be emancipated by the "authority of any State." It was a pledge which Congress had no right to make, and one that the freemen of this country will decree shall not be carried out. It was made without notice to the people, without even an allusion to it as a probable measure of policy, and in defiance, we are bound to say, of every constitutional power. How the purchase of three or four millions of negroes by the white laborers of the North could "put down the rebellion" or restore the Union, no department of the Government, and no member of Congress, has ever had the candor to explain. A pledge for such a purpose, by whomsoever made, and all similar schemes for mixing up negro emancipation with this war for the Union, received the open condemnation of that convention. It was but a reflex of the people's voice in July—it was the voice of Indiana in October. That condemnation we now echo from this Chamber, and there are none who will defend that pledge, or make an issue on it before the people.

If the Administration and its advisers desire to keep the people "united" for the prosecution of this war, why were these measures of negro emancipation and purchase forced upon the nation at a time like this? If they did not know that it would divide the citizens, and make men doubt in regard to the objects of this war, then we can only say that they have too little sagacity to control the affairs of a great nation. But when the proclamation of the 22nd September, 1862, fell upon the people, "like a fire bell in the night," the wildest confusion was added to the doubts which took possession of the public mind. There stood revealed before the world two measures which invoked the condemnation of the people of Indiana, and they received it! No one dared to defend them. They got no defense. The candidates sustained by the minority stood mute at the giant measures of oppression which they were expected to defend,—taxation for the purchase of African slaves and a horde of free negroes thrown upon the soil of the free west. We, and those with whom we acted, opposed measures of "transcendent enormity" like these, and those who apologized for them—they had no defenders—went under the wave of popular indignation in Indiana. Was this opposing the war? In defending you and ourselves from oppression and bankruptcy, and keeping the Government within the scope of its constitutional powers, we were only discharging a duty to our great and unfortunate nation. For



doing this, we have been denounced to you as traitors, and by men, too, who have followed your camps, not to share your hardships and dangers, but to gather up the crumbs which have fallen from the table provided by the generosity and sense of justice of the people of your beloved State. We know these men, and whether of high or low degree, have a right to hold them up to the scorn and contempt of all just men, in the army and out of it.

You ask us to "give this war a cheerful and hearty support,"—that "we will pour out the treasure of the State as our soldiers have poured out their blood to aid the holy cause of restoring the Union of our fathers"—that we should abstain from heated political discussions and party wranglings, until the authority of our Government is once more established; that we should resist "the infernal spirit which would waste victory in humiliating compromises," and that we should sacrifice every thing, except liberty and political equality to national integrity. These requests are reasonable, and they come to us as pleasant words. The Senate of Indiana, the House of Representatives, and the people represented by both branches, have given, and will continue to give, a cheerful and hearty support to this war for the restoration of the Union, and the majority which we represent are prepared to contribute even more of the treasure of the State, than on any former occasion, in aid of the volunteers now in the field from Indiana. These two points in your request are, so far as the majority has power, already complied with. How far it will be in the power of that majority to avoid "heated political discussions, and party wranglings," will depend greatly upon the conduct of the minority, and their consent to accept deeds, and not words, as the measure of true men's loyalty. The legislation of the session has been generally harmonious, but there are great questions which now and then arise to impede the progress of business. There are no disagreements about furnishing the army with all that is deemed essential for its comfort, and large appropriations have already passed this Senate, and by a unanimous vote. These disagreements and "wranglings" are over measures which relate to people at home, and not to the army from our State. The majority, while they look to your interests, as soldiers, have also an eye to your home interests, and the welfare of our fathers, brothers, and neighbors. While you fight rebellion and treason in the army, the General Assembly wish to preserve your Government at home from being turned into an engine of

tyranny, usurpation, and merciless taxation. They don't want you taxed to pay for negroes—nor to have the negroes come into Indiana to become hired laborers on the farms of the State,—they don't wish to have the people arrested without warrant of law, and imprisoned in dungeons, without trial. They don't want the money appropriated for your benefit squandered on pimps and favorites, and, above all, they don't want to see the free Constitution of Indiana trampled under foot for the gratification of those who aim to over-ride the co-ordinate departments of the State, and engulf all the powers of the Government in their own hands. That point of our resistance is what gives offence, and the political colporteurs sent amongst you to slander and villify the majority of this Senate, and the other branches of the Legislature, are performing only a duty imposed by the nature of their unhappy calling.

The Senate is quite willing to indorse the sentiment of your memorial, which counsels that we should resist the “infernal spirit which would waste victory in humiliating compromises.” That is sound advice, and this Senate will lay the same to heart as a lesson of wisdom. The majority of this General Assembly assure their gallant friends in the army that there are no such members in either branch of the legislative departments. No one here thinks of “humiliating compromises,” for they have no power to enforce compromises of any kind, and are too proud to beg them from the administration of Mr. Lincoln, even if their supplication could avail at such a tribunal. They know too well what influences prevail at Washington to approach the ear of our National Commander-in-Chief. Not so, good friends. No humiliating compromises are asked for by this General Assembly, and if there be a party which has “*wasted victories*,” or failed to improve them when won, it must have been those in possession of the General Government, and not the Indiana Legislature. We have had no power to “waste” any victory, or to turn success into ashes in the hands of the nation. The assertion that we do desire *such* compromise is without foundation. The Senate and General Assembly of Indiana are entirely willing that the President and his administration should make this war a part of its history, and that *its* “compromises” shall begin at such time as may to them seem befitting. We had no agency in inaugurating this war—none in carrying it on—none in directing its policy—none in the control of its armies, and it is not our design to *interfere* with it in any improper man-



ner. Our duty is to pay taxes—to take care of the sick and wounded soldier—to look and wait for the end of this cruel and bitter strife—to take care of our State affairs, and to hope that our beloved country will one day emerge from the clouds which hang over her, with the *Union restored as it was*, and with all the *States* existing in harmony under the matchless Constitution of our Fathers.

It would be wrong to conceal the fact that there is a growing anxiety in the public mind that this war should be brought to a close in some mode *not* humiliating to the nation. It has now lasted nearly two years, and with great waste of blood and treasure. Thousands have fallen in the conflict, and the richest veins have been opened to pour upon the earth the purple current of our brave soldiers. Indiana has contributed copious streams to the flood of human gore which has reddened the soil of Virginia, Kentucky, Tennessee, Missouri and Arkansas. Our braves have gone down on nearly every battle-field, and the hosts from our State have been thinned in every new encounter. They have fallen on the right hand and on the left. Disease has also done its work, and every train which passes over our thoroughfares brings the remains of some gallant spirit who died away from kindred and friends. And is it strange that this desire for peace should possess the public mind? Men are not made of iron, nor their hearts of steel. The human sympathies are not closed in the family circle, nor are human woes hushed by the clangor of arms. There *are* hearts that will *feel*, and minds that will *think*, even in perilous times like these. The kind father and the doting mother will remember their first-born, and wish he was at the old cottage, where from infancy his loved form was a solace to the declining years of his aged parents. The brother will look anxiously for the return of that brother-friend, the playmate of his earlier days. And has the poor and forsaken wife no choice about the time when this war shall close? Has she no wish to see him to whom, in the gushing hours of her spring-time, she abandoned all for his sake? Let us not be deceived. There are anxieties on this subject. The public mind is feverish, and will speak out. Neither Presidents, Congressmen, nor Governors, even with the aid of the grand army of contractors, can stifle this feeling of deep anxiety for an honorable peace. This nation is too young to cherish a sentiment for permanent war. Her institutions, founded on perfect freedom of sentiment, and the

absence of military restraints, will not endure a long and wasting contest for the gratification of anything short of national existence. He is not a wise man who looks upon it in any other light. He is less than wise who could desire it.

The present General Assembly, by members of the reviled majority, have recommended the passage of the following measures for the benefit of the soldiers of Indiana now in the field :

1. A bill appropriating two millions of dollars to provide for the prompt payment of the officers and soldiers in the army of the United States, raised and organized in the State of Indiana, and to provide means for that purpose. This measure was recommended by Governor Morton, and promptly seconded by the majority members of the House and Senate. This bill has passed the Senate by ayes 43, nays none. The ayes are as follows :

Messrs.	Dickinson,	Hoagland,	New,
Bearss,	Douglass,	Hord,	Pleak,
Berry,	Downey,	Jenkins,	Ray,
Blair,	Ferguson,	Landers,	Shields,
Bradley,	Finch,	McClurg,	Teegarden,
Campbell,	Fleming,	Mansfield,	White,
Claypool,	Fuller,	March,	Williams,
Cobb,	Gaff,	Marshall,	Wilson,
Corbin,	Gifford,	Mellett,	Wolfe,
Davis of Parke,	Graves,	Moore,	Wright, and
Davis of Cass,	Hartley,	Murray,	Mr. President—43

Democrats 25, Republicans 18.

2. A joint resolution of thanks to the soldiers of Indiana, and providing for the registry and preservation of the names of those who have fallen in the service of their country during the present war. This resolution has passed both Houses unanimously.

3. An appropriation of one hundred thousand dollars will be inserted in the specific appropriation bill, as recommended by the Committee of Ways and Means, to be expended in aid of the sick and wounded soldiers of Indiana, in such proper supplies as the government hospitals shall fail to furnish.

A committee of the House has also recommended, for adoption,

the following measures for the action of Congress, the same being, in the opinion of the majority, demanded for the good of the service :

1. A joint resolution to Congress, asking that the pay of private soldiers in the army be raised 25 per cent., or say \$16 per month, the present pay being shamefully inadequate to the service performed, and that a joint resolution be passed forthwith, urging the increase at the present session of Congress.

2. That we favor a joint resolution to Congress, to be passed forthwith, asking that it provide by law for the payment of the wages of private soldiers and company officers in gold and silver, or their equivalent in paper money, at par, and also for the payment of pensions to our wounded soldiers, and the pensions to the widows and orphans of those who have died in the service, or been killed in battle, in the same mode, and in the same par funds, it being the sense of this House that those who give their service, their health, and their lives to the nation, should be placed on as favorable footing as the banker or capitalist who loans money to the Government.

It is gratifying to be able to say to those in the field, that whatever differences of opinion may exist in this General Assembly in regard to the State policy of Indiana, and the emancipation measures of the administration of President Lincoln and the Congress just expired, there are none in relation to the duty of Indiana toward the army. The above measures, adopted and recommended, will be accepted as proof that no unfriendly spirit exists towards you. In return for this, the General Assembly only asks at your hands that no partisan efforts from home will swerve you from the duty of soldiers, or make you partakers of the fell spirit of faction which seeks to slander down a majority of the people of your own State. We want you to remember that the gallant old Democratic party fought two foreign wars with England and Mexico, carried the country successfully and triumphantly through those conflicts, and that no soldier ever received injustice at its hands. That party has been always recognized as the soldier's friend, and now that its own members make up a full half of the present grand army, it would be base and dishonored to desert them, or their no less patriotic associates of the Republican party. Put away from your presence, gallant soldiers of the nation, the cringing tools of power who visit

your camps with slanders on their tongues, and the hate of their masters in their hearts, and tell them that your tents and your cabins are temples of honor, truth, and patriotism; that party and faction are excluded; that there is no room for those who desire to bear false witness against their neighbors; that your sense of justice and manhood require repose from the importunities of the slanderer and the tale-bearer. Tell these characters that you will trust to the people of Indiana, and all the departments of their Government, relying upon that sense of justice and right which has always been manifested by them in the conduct of their public affairs.

A thousand rumors have reached you, no-doubt, about the intention of this General Assembly. It has been said, at the beginning of this session, that the majority of the two branches designed to "carry the State out of the Union, and attach her to the Southern Confederacy." This was stated in the streets of Indianapolis—first by some cowardly official, perhaps, and then, in the public prints belonging to the same faction. We need hardly say to you that such a charge rests upon the unsupported malice of some malignant knave, who, finding his party dying out, took that method of "arousing the country" against a phantom of his own creation. It would have been a ridiculous slander, if the subject of it was not too grave for ridicule. As it is, it was a base and cowardly one, for which the author or authors, if they could be traced out with certainty, deserve a just punishment. It would be a shame to defile the law by invoking its calm majesty to punish a man who would thus heap falsehood upon his fellow-citizens. If such a report has ever reached your camps, we declare to you that there is no truth in it—that there is not one man in either branch of the General Assembly, of the majority party, who now entertains, or ever entertained a thought so traitorous to himself, his God, and his country.

We again thank you for your communication, and for the kind manner in which you have expressed your wishes. They shall receive, as some of them have already, the respectful and favorable consideration of this General Assembly. You and your fellow-citizens at home have the same great object—the restoration of the Union, and the preservation of our sacred and revered constitution. While you look after traitors in arms, and overturn and overthrow their serried hosts, we shall take care of violators of the constitution at home, and see that the ballot of a free people is felt in the

preservation of your liberties and our own. If rebellion triumphs, it will be no fault of yours. If despotism and anarchy, and the violation of constitutional rights are attempted in Indiana, it will be for the people of this gallant State to protect and preserve them.

In the bonds of love and affection for the Constitution and the Union made by it, unchanged and perpetual,

We remain your fellow-citizens,

THOS. R. COBB, Chairman,  
S. K. WOLFE,  
ARCH. JOHNSON,  
P. HOAGLAND,  
M. M. RAY,  
JOHN DAVIS.

Mr. Cobb moved to lay the report on the table and print 10,000 copies.

Mr. March offered the following amendment :

That the minority have leave to submit a minority report, and that a like number of the same be printed with the majority.

On motion by Mr. Downey,

The further consideration of the subject was postponed until to-morrow morning, at 10 o'clock, A. M.

Mr. Bearss offered the following, which was adopted :

*Resolved*, That the Doorkeeper be instructed to procure for each member of the Senate, and the elective officers thereof, three dollars' worth of postage stamps.

On motion by Mr. Browne of Randolph,

The following resolution was adopted :

*Resolved*, That the Doorkeeper of the Senate is hereby instructed to procure and lay upon the tables of Senators, by to-morrow morning, if possible, the printed copies of the memorial of the Army of the Cumberland.

On motion by Mr. Gifford,

The Senate adjourned.



FRIDAY, 8½ o'clock, A. M., }  
 March 6, 1863. }

Senate met.

The Journal of yesterday was being read,

When,

On motion by Mr. Gifford,  
 Its further reading was dispensed with.

Mr. Downey submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on the Rights and Privileges of the Inhabitants of this State, to which was referred House bill No. 72, have had the same under consideration, and have directed me to report that they fully approve the main objects sought to be accomplished by the bill, but they are of opinion that some of its provisions would unnecessarily abridge some of the natural and unalienable rights of the citizens of the State.

"From time whereof the memory of man runneth not to the contrary," it has been allowed to exercise some of these rights in the public squares of cities, towns, and villages of the State, where the necessary improvements or erections thereon would, with propriety allow it to be done.

Jealous as the committee is, and ought to be of these time honored rights and privileges of the inhabitants of the State, and of the necessary privileges of this honorable body, they cannot recommend its passage. And as there is not now any probability of the bill again passing the House, if it should be here amended, they consider it their duty to recommend that it be laid upon the table.

Mr. Johnson, chairman of the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom



was referred House bill No. 27, have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage ;

Which was concurred in.

House bill No. 27. A bill for providing for special sessions of the Board of County Commissioners ;

Was read a third time.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Downey,	Hord,	New,
Beeson,	Ferguson,	Jenkins,	Pleak,
Bradley,	Fleming,	Johnson,	Ray,
Brown of Wells,	Fuller,	Landers,	Teegarden,
Cobb,	Gaff,	McClurg,	Williams,
Corbin,	Gifford,	Mansfield,	Wilson,
Culver,	Graves,	March,	Wolfe,
Davis of Cass,	Grubb,	Marshall,	Wright, and
Dickinson,	Hartley,	Melletts,	Mr. President—38
Douglass,	Hoagland,	Moore,	.

Noes none.

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Johnson submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on County and Township Business, to which was referred House bill No. 143, have had the same under consideration, and have directed me to report the bill back without amendment, and recommend its passage :

House bill No. 143. A bill to authorize County Auditors to issue fee bills in certain cases therein named ;

Was read a third time.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Jenkins,	New,
Beeson,	Ferguson,	Johnson,	Pleak,
Bradley,	Fleming,	Landers,	Ray,
Brown of Wells,	Fuller,	McClurg,	Teegarden,
Claypool,	Gaff,	Mansfield,	Williams,
Cobb,	Gifford,	March,	Wilson,
Corbin,	Graves,	Marshall,	Wolfe,
Davis of Parke,	Grubb,	Melletts,	Wright, and
Davis of Cass,	Hoagland,	Moore,	Mr. President—37
Douglass,	Hord,		

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Williams moved to reconsider the vote last taken on Senate bill No. 140.

Mr. Mellett moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Bearss and Mellett, and being taken, resulted as follows: ayes 15, noes 27.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	Mansfield,	Pleak,
Bearss,	Davis of Parke,	March,	Teegarden,
Beeson,	Dickinson,	Melletts,	White, and
Blair,	Grubb,	New,	Wright—15.
Browne of R.,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Hartley,	Marshall,
Bradley,	Ferguson,	Hoagland,	Moore,
Brown of Wells,	Finch,	Hord,	Ray,
Cobb,	Fleming,	Jenkins,	Williams,
Corbin,	Fuller,	Johnson,	Wilson,
Davis of Cass,	Gaff,	Landers,	Wolfe, and
Douglass,	Gifford,	McClurg,	Mr. President—27

So the motion to lay on the table failed.

The question recurring on the motion to reconsider,

The ayes and noes were demanded by Messrs. March and Claypool, and being taken, resulted as follows: Ayes 27, nays 16:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hartley,	Marshall,
Bradley,	Ferguson,	Hoagland,	Moore,
Brown of Wells,	Finch,	Hord,	Ray,
Cobb,	Fleming,	Jenkins,	Williams,
Corbin,	Fuller,	Johnson,	Wilson,
Davis of Cass,	Gaff,	Landers,	Wolfe, and
Douglass,	Gifford,	McClurg,	Mr. President—27

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Mansfield,	Pleak.
Bearss,	Davis of Parke,	March,	Teegarden,
Beeson,	Dickinson,	Mellett,	White, and
Blair,	Grubb,	New,	Wright—16.
Browne of R.,			

Mr. Graves refused to vote.

So the motion to reconsider was agreed to.

The question recurring on the pending motion to recommit with the instructions of Mr. Wolfe,

On motion by Mr. Downey,

The instructions were made those of inquiry, instead of being imperative.

Mr. Ferguson moved to amend the instructions as follows:

Inquire into the expediency of adding to the end of section three, these words:

But no certificate shall be granted by such clerk unless the evidence of such party is corroborated by other testimony. And from

the decision of such clerk, in granting or refusing to grant such registration and certificate to such negro, or mulatto, or any citizen of the county, he shall have a right to appeal to the Circuit or Common Pleas Court of such county, in the same manner as appeals are taken from the decision of a justice in a civil action.

Mr. Browne of Randolph moved to strike out "inquire into the expediency of."

The ayes and noes were demanded by Messrs. Browne of Randolph and Blair, and being taken, resulted as follows: Ayes 19, noes 27.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Browne of R.,	Grubb,	New,
Bearss,	Campbell,	Mansfield,	Pleak,
Beeson,	Claypool,	March,	Reed,
Berry,	Davis of Parke,	Melletts,	Teegarden, and
Blair,	Dickinson,	Murray,	Wright—19.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Hartley,	Marshall,
Bradley,	Ferguson,	Hoagland,	Moore,
Brown of Wells,	Finch,	Hord,	Ray,
Cobb,	Fleming,	Jenkins,	Williams,
Corbin,	Fuller,	Johnson,	Wilson,
Davis of Cass,	Gaff,	Landers,	Wolfe, and
Douglass,	Gifford,	McClurg,	Mr. President—27

So the amendment was rejected.

The President announced the special order for this hour, being the consideration of the report made by Mr. Cobb, from the Committee on Federal Relations.

On motion by Mr. Downey,

Its further consideration was postponed until 2 o'clock, P. M.

The question recurring on the adoption of Mr. Ferguson's pending amendment to the instructions offered by Mr. Wolfe on yesterday,

The ayes and noes were demanded by Messrs. Beeson and Claypool, and being taken, resulted as follows: Ayes 37, noes 11.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hartley,	Murray,
Beeson,	Downey,	Hoagland,	Pleak,
Blair,	Ferguson,	Hord,	Reed,
Browne of R.,	Finch,	Johnson,	Teegarden,
Brown of Wells,	Fleming,	McClurg,	White,
Campbell,	Fuller,	Mansfield,	Williams,
Claypool,	Gaff,	March,	Wilson,
Cobb,	Gifford,	Marshall,	Wolfe, and
Davis of Parke,	Graves,	Mellett,	Mr. President—37
Davis of Cass,	Grubb,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Bradley,	Jenkins,	New,
Bearss,	Corbin,	Landers,	Ray, and
Berry,	Dickinson,	Moore,	Wright—11.

So the amendment was adopted.

Mr. Ferguson made an ineffectual motion to further amend his instructions by providing that the negro shall appear at whatever place the summons may name.

The question recurring on recommitting the bill with the instructions as amended,

The ayes and noes were demanded by Messrs. Mellett and Dickinson, and being taken, resulted as follows, ayes 29, nays 20:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Finch,	Hord,	Murray,
Bradley,	Fleming,	Jenkins,	Ray,
Cobb,	Fuller,	Johnson,	White,
Corbin,	Gaff,	Landers,	Williams,
Davis of Cass,	Gifford,	McClurg,	Wilson,
Douglass,	Grubb,	Marshall,	Wolfe, and
Downey,	Hartley,	Moore,	Mr. President—29
Ferguson,	Hoagland,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Davis of Parke, New,	
Bearss,	Brown of Wells,	Dickinson,	Pleak,
Beeson,	Campbell,	Mansfield,	Reed,
Berry,	Claypool,	March,	Teegarden, and
Blair,	Culver	Melletts,	Wright—19.

So the bill was recommitted to a select committee of three, viz: Messrs. Wolfe, Landers, and March.

On motion by Mr. Williams,

The reports of the Committee on Finance were taken up.

Mr. Downey offered the following amendment to the majority report:

Amend the majority report by striking out, at page 17, line 11, the words, "the Governor quietly puts his hand into the treasury of this fund," and insert the words, "the Auditor of State out of that fund."

Message from the House, by Mr. Whittlesey, clerk thereof:

MR. PRESIDENT:

I am directed to transmit to the Senate the following enrolled Acts of the House, to-wit:

House Enrolled Act No. 17. An act to confirm and make valid sales of land made by trustees and foreign executors.

House enrolled act No. 20. An act to amend section forty-six of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, approved March 11, 1861.

House enrolled act No. 27. An act providing for calling special sessions of Boards of County Commissioners.

House enrolled act No. 48. An act to prohibit judges of the Common Pleas Courts of this State from practicing as attorneys in any of the inferior Courts within their districts respectively.



House enrolled act No. 66. An act amendatory of and supplemental to an act entitled an act to incorporate the Wabash Navigation Company, approved January 13, 1846, and authorizing said company to raise money by assessing the stockholders therein when necessary to make repairs on the works thereof, and to invest the earnings of said company if any surplus shall occur.

House enrolled act No. 82. An act to amend the first section of an act to amend an act entitled an act to amend the sixth section of an act providing for the organization of county boards, and prescribing some of their powers and duties, which first above mentioned act was approved June 17, 1852; that said second mentioned act was approved February 16, 1859, which latter act last above mentioned was approved March 9, 1861.

House enrolled act No. 95. An act to fix the time of holding the Courts of Common Pleas in the counties of Adams, Wells, Huntington and Allen, and the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms.

House enrolled act No. 107. An act for the relief of Nineveh Berry.

House enrolled act No. 114. An act requiring recorders to certify to the records of deeds, mortgages and other instruments admissible to record.

House enrolled act No. 143. An act to authorize county auditors to issue fee bills in certain cases therein named.

Which enrolled acts have been signed by the Speaker of the House of Representatives and are respectfully submitted for the signature of the President of the Senate.

The President thereupon affixed his signature to House enrolled acts Nos. 17, 20, 27, 48, 66, 82, 95, 107, 114 and 143, contained in the foregoing message.

On motion by Mr. Gifford,  
The Senate adjourned.

1½ O'CLOCK, P. M.

The Senate met.

Mr. Bradley offered the following resolution, which was adopted:

*Resolved*, That James H. Vawter, Principal Secretary of the Senate, be directed to make out for publication a list of the titles of all bills introduced into the Senate at its present session, designating those which have passed, and also a list of all bills received from the House, stating the final action on each, and that he be allowed twenty-five dollars for such service, to be paid out of the Legislative Fund.

Mr. Finch offered the following resolution:

*Resolved*, That the Auditor of State be, and he is hereby requested to draw his warrant upon the moneys appropriated for legislative expenses, in favor of such members of the Senate Prison Committee as visited the State prisons, for the sum of thirty dollars for each visit, upon the certificate of the chairman of said committee, countersigned by the President of the Senate.

Mr. Moore made an ineffectual motion to strike out \$30 00, and insert \$15 00.

Mr. Browne of Randolph moved to strike out \$30 00 and insert \$15 00.

The ayes and noes were demanded by Messrs. Beeson, and Davis of Cass.

Mr. Ray offered the following resolution:

*Resolved*, That James Wyatt be allowed the sum of seventy-five dollars, for expenses of flag, materials, and all labor connected with the raising of the national flag on the dome of the Capital, on the 22d day of February, 1863, and that the Auditor of State be authorized to draw his warrant in favor of said Wyatt for said sum.

Mr. Cobb moved to amend by striking out \$75 00, and inserting \$25 00;

Which was agreed to.

The resolution, as amended, was adopted.

Mr. Bradley offered the following resolution, which was adopted :

*Resolved*, That James H. Vawter, Principal, and Samuel R. Hamill, Assistant Secretary of the Senate be allowed the sum of \$75 00 each, for preparing the index, and superintending the printing of the Senate Journal of the present session.

On-motion by Mr. Williams,

The special order for this hour was postponed till after the majority and minority reports from the Committee on Finance was disposed of.

The amendment offered by Mr. Downey, to the report of the majority of the Committee, was unanimously agreed to.

Mr. Murray moved to lay the report of the minority from the Committee on Finance on the table.

The ayes and noes were demanded by Messrs. Claypool and Johnson, and being taken, resulted as follows: Ayes 26, noes 19.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Murray,
Brown of Wells,	Finch,	Jenkins,	Ray,
Cobb,	Fleming,	Johnson,	Williams,
Corbin,	Fuller,	Landers,	Wolfe, and
Davis of Cass,	Gifford,	McClurg,	Mr. President—26
Douglass,	Hartley,	Marshall,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R..	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Davis of Parke,	March,	Teegarden,
Berry,	Dickinson,	Melletts,	White, and
Blair,	Graves,	New,	Wright—19.

So the minority report was laid on the table.

Mr. Cobb moved to adopt the majority report.

The ayes and noes were demanded by Messrs. New and Landers, and being taken, resulted as follows: Ayes 26, noes 21:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hartley,	Marshall,
Bradley,	Ferguson,	Hoagland,	Moore,
Brown of Wells,	Finch,	Hord,	Ray,
Cobb,	Fleming,	Jenkins,	Williams,
Corbin,	Fuller,	Johnson,	Wolfe, and
Davis of Cass,	Gifford,	Landers,	Mr. President—26
Douglass,	Graves,	McClurg,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Mansfield,	Pleak,
Bearss,	Claypool,	March,	Reed,
Beeson,	Culver,	Mellett,	Teegarden,
Berry,	Davis of Parke,	Murray,	White, and
Blair,	Dickinson,	New,	Wright—20.
Browne of R.,	Grubb,		

So the majority report was adopted.

Mr. Cobb moved that five thousand copies of the report of the majority be printed for the use of the Senate.

Mr. Claypool moved to amend as follows:

“And that five thousand copies of the report of the minority be printed.”

The ayes and noes were demanded by Messrs. Claypool and Beeson, and being taken, resulted as follows: Ayes 29, noes 19.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Graves,	Pleak,
Bearss,	Davis of Parke,	Grubb,	Reed,
Beeson,	Dickinson,	Hoagland,	Teegarden,
Berry,	Downey,	Mansfield,	White,

Blair,	Ferguson,	March,	Wolfe,
Browne of R.,	Finch,	Melletts,	Wright, and
Campbell,	Gifford,	New,	Mr. President—28
Claypool,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Hord,	Marshall,
Bradley,	Douglass,	Jenkins,	Moore,
Brown of Wells,	Fleming,	Johnson,	Murray,
Cobb,	Fuller,	Landers,	Ray, and
Corbin,	Hartley,	McClurg,	Williams—19.

So the amendment was adopted.

Mr. Murray moved to lay the motion to print on the table ;  
Which was agreed to.

Mr. Wolfe, from a select committee, submitted the following report, which was concurred in :

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 140, being a bill to enforce the 13th article of the Constitution of this State, with instructions to inquire into the expediency of amending the bill, as moved by the Senator from Clark, have had the same under consideration, and direct me to report the same back, and recommend the adoption of said amendment, and when so adopted, they recommend the passage of the bill.

The question being on the passage of the bill,

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	White,
Cobb,	Fleming,	Johnson,	Williams,
Corbin,	Fuller,	Landers,	Wilson,
Davis of Cass,	Gifford,	McClurg,	Wolfe, and
Douglass,	Hartley,	Marshall,	Mr. President—27

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Grubb,	New,
Bearss.	Culver,	Mansfield,	Pleak,
Beeson,	Davis of Parke,	March,	Reed,
Berry,	Dickinson,	Mellett,	Teegarden, and
Browne of R.,	Graves,	Murray,	Wright—20.
Campbell,			

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

On motion by Mr. Murray,

The Senate proceeded to the consideration of Mr. Finch's resolution, offered this afternoon.

The pending question being on Mr. Browne of Randolph's amendment to strike out \$30 00, and insert \$20 00,

Mr. Bearss moved to lay this amendment on the table.

The ayes and noes were demanded by Messrs. Davis of Cass and Moore, and being taken, resulted as follows: Ayes 17, noes 30.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Graves,	Reed,
Bearss,	Davis of Parke,	McClurg,	Teegarden,
Bradley,	Ferguson,	Murray,	Wilson, and
Brown of Wells,	Finch,	Ray,	Mr. President—17
Corbin,	Fleming,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Davis of Cass,	Hoagland,	Mellett,
Beeson,	Dickinson,	Hord,	Moore,
Berry,	Douglass,	Jenkins,	New,
Blair,	Downey,	Johnson,	Pleak,
Browne of R.,	Fuller,	Landers,	Williams,
Campbell,	Gifford,	Mansfield,	Wolfe, and
Claypool,	Grubb,	March,	Wright—30.
Cobb,	Hartley,	Marshall,	



So the motion was rejected.

The amendment was agreed to.

The resolution as amended, was then adopted.

Mr. Downey, from a select committee, submitted the following report, which was concurred in:

MR. PRESIDENT:

The select committee to which was referred so much of the Governor's Message as relates to the death of Professor Fletcher, have had the same under consideration, and have unanimously directed me to report to the Senate the accompanying resolutions, and to recommend their adoption:

1. *Resolved*, That the Senate has learned with deep sensibility and regret, of the death of Professor Miles J. Fletcher, at the time State Superintendent of Public Instruction.

2. That in the death of one possessed of such superior talents, education and high moral worth, the State has suffered an irreparable loss.

3. That his patriotism and devotion to the cause of his country, and his efforts to relieve the sick and wounded soldier, in which he lost his life, his zeal in the cause of education, and fidelity in the discharge of his official duties, merit our highest commendation.

4. That we sympathise and condole with his family in their severe and great bereavement.

5. That the Secretary of the Senate transmit a copy of these resolutions to the family of the deceased.

Mr. Cobb, chairman of the Committee on Federal Relations, submitted the following report:

MR. PRESIDENT:

The Committee on Federal Relations, to whom was referred sundry resolutions upon the question of federal relations, have had the same under consideration, and a majority of said committee

have instructed me to report the same back to the Senate, and recommend that they lie on the table, and that the following preamble and resolutions be adopted as expressive of the sense of the Senate, upon the subject contained therein.

WHEREAS, At all times, and especially in times like the present, when the nation is involved in the terrible calamity of civil war, it is proper that the representatives of the people should express their sentiments in regard to the duty of the people and their public servants, upon the great questions agitating the country;

AND WHEREAS, Many things are being done by our public servants, inimical to the perpetuation of the Union, and the liberties of the people, calculated to divide and weaken the people of the loyal States, and unite and strengthen the rebels;

AND WHEREAS, We are desirous that all such things shall cease, and every thing that is detrimental to the Union cause shall be abandoned, and the people be united as one man, in the great and glorious work of suppressing the rebellion, restoring the Union, and preserving the constitutional liberty of the people under the old government as our fathers made it; therefore,

*Be it resolved by the Senate, the House concurring,* That the Constitution is the sacred ark of our political covenant, the shilobeth of our strength, and the charter of our liberties, and in the language of the patriot and statesman, Daniel Webster, we declare that if the people "are not struck with judicial blindness, as were God's chosen people, they will cling to the Constitution as the shipwrecked mariner clings to the last plank, when the night and the tempest close around him."

2. That the Constitution confers powers upon the different departments of the General Government, adequate to all the purposes of peace or war; that it is the same in war and in peace, on the battle-field and in the halls of Congress, and ought to be sacredly observed every where; and the doctrine advocated by the enemies of constitutional liberty that the existence of war invests Congress, or the President, with despotic power, is as groundless as it is odious, and is to be utterly condemned by all who have any regard for their own liberty, or the Constitution of their country.

3. That the States are component and essential parts of the Union, bound together inseparably by the Constitution of the United States; that none of them can cease to exist as such so long as that Constitution survives; that it is the exclusive sphere and duty of the States to order and direct their own domestic affairs. While the rebellion, therefore, has not annulled or destroyed the constitutional relations of the so-called "Seceded States" to the Federal Government, neither has it divested those States of any rights or powers, municipal or otherwise, properly belonging to them as members of the Federal Union. The actual exercise of those rights and powers may for a time be interrupted or obstructed by rebellion, and some illegitimate authority may be substituted in its place, but as soon as that rebellion is suppressed, those States will be entitled, as of right, to resume the exercise of all the rights and powers, dignities, and immunities, which properly belong to them as States of the Union, therefore we enter our solemn protest against the formation of "West Virginia" out of the State of Virginia, by Congress, as being in direct violation of section 3, article 4, of the Constitution of the United States.

4. That the liberty of speech and of the press is guaranteed to the people by the Constitution, and none but a usurper would deprive them of these rights; they are inestimable to the citizen, and formidable to tyrants only; and adopting the language of Daniel Webster, we declare that as "important as we deem it to discuss, on all proper occasions, the policy of the measures at present pursued, it is still more important to maintain the *right* of such discussion to its full extent. Sentiments lately sprung up, and now growing popular, render it necessary to be explicit on this point. It is the ancient and constitutional right of this people to canvass public measures and the merit of public men. It is a home-bred right, a fireside privilege. It has been enjoyed in every house, cottage and cabin in the nation. It is not to be drawn into controversy. It is as undoubted as the right of breathing the air and walking on the earth. Belonging to private life as a right, it belongs to public life as a duty. \* \* \* This high constitutional privilege we will exercise within this House, and without this House, and at all places—in time of war, in time of peace, and at all times. Living, we will assert it; dying, we will assert it; and should we leave no other legacy to our children, by the blessings of God, we will leave to them the inheritance of free principles, and

the example of a manly, independent and constitutional defense of them."

5. That the system of arbitrary arrests, and the wanton disregard of the great writ of liberty, commonly called the habeas corpus, by the Cabinet at Washington, are acts of tyranny and usurpation justly alarming to a free people, against which the State of Indiana solemnly protests; and in the name of constitutional liberty, we demand that the detestable system shall cease within her borders, and we declare the unalterable determination of the people to maintain the privilege of the writ of habeas corpus and speedy trial by jury at every hazard.

6. That we regard the proclamation of President Lincoln to abolish slavery in the Southern States as unconstitutional, unwise, and calculated to do the cause of the Union incalculable injury, by dividing its friends and uniting its enemies; and we, therefore, declare that it ought to be immediately withdrawn; that Indiana, ever ready and willing to do battle for the Union and the Constitution, solemnly protests against the diversion of her blood and treasure for the enforcement of that or any other emancipation scheme. We believe such a policy to be destructive of the Union, and a fraud upon the government, the citizen and the soldier.

7. That the interest of the white race, as well as the black, demands that the condition and locality of the latter in the Southern States should not be interfered with by the National Government or the people of the North; and a war, or legislation, or Presidential proclamations to accomplish the freedom of the negro and his consequent migration to the North, are acts of flagrant violation of the Constitution, and in wicked disregard of the people's voice, and the best interests of the country; and all such acts ought to be constitutionally opposed by an outraged people.

8. That we are uncompromisingly opposed to all schemes the tendency of which is calculated to overrun the State of Indiana with a worthless and degraded negro population, and we will resist all efforts having in view such object by every constitutional means.

9. That we denounce the assertion that slavery is the cause of our present troubles as a libel upon the framers of our Constitu-

tion, and repugnant to the facts of our national history. We ascribe them to the unholy ambition and wicked machinations of disloyal and fanatical agitators, North as well as South, who, for personal aggrandizement, have sought the destruction of the freest and best government on earth.

10. That President Lincoln's scheme of "compensated emancipation," which proposes to tax the people of Indiana to liberate the slaves of the South, is unconstitutional and a monstrous iniquity, to which a tax-ridden and overburdened people will never consent. The freemen of Indiana will never agree to impoverish themselves and their posterity to carry out such a wicked and insane policy, but they will oppose its consummation by all constitutional means within their power.

11. That the Union of the States is a necessity; and under no consideration or circumstance will we ever consent to surrender it. We must be one people, under one government and one flag.

12. That no Union can be maintained in this country until fanaticism on the negro question, North and South, is eradicated, and the sovereignty of the States over their domestic institutions is again acknowledged as the fundamental axiom of the government. The people of the North must banish the heresy of Abolitionism, or else yield up the blessings of the Union. Abolitionism and the Union are incompatible; the one or the other must triumph. A war for Abolitionism is a war against the Union; a war for the Union is a war against Abolitionism, which it is the duty of the people to vigorously prosecute at the ballot-box.

13. That while we condemn and denounce the flagrant and monstrous usurpations of the Administration and the encroachments of Abolitionism, we are yet more hostile to the Southern rebellion; we regard the doctrine of secession as a ruinous heresy, unwarranted by the Constitution, and destructive alike of the security and perpetuity of the government, and the peace and liberty of the people; that the rebels, on account of their base treachery to the conservative people of the North, and their still baser treason to their government, are entitled to no sympathy from the people whom they so basely betrayed.

14. That we protest against, and denounce as most unjust and



oppressive, that system of sectional class legislation, by which, under what is known as the Morrill tariff, the manufacturers of New England are oppressing and impoverishing the farmers of the Northwest.

15. That the people justly view with alarm the reckless extravagance which pervades every department of the Federal Government; that a return to a rigid economy and accountability is indispensable to prevent the systematic plunder of the public treasury by favored partisans, while the recent startling developments of fraud at the National Metropolis, show that an entire change of administration is imperatively demanded.

16. That we condemn all secret organizations of a political character, as dangerous to the liberties of the people, and the peace of community; and we likewise condemn any and all organizations of an oath-bound and armed character outside the lawful military companies, whether secret or open, as designed to overawe the people, and calculated to lead to civil strife in the land, and no citizen should attach himself to any such organization.

17. That we earnestly recommend to the people everywhere, to observe and keep all their lawful and constitutional obligations, not only as a matter of duty and safety to all, but that they may not be reproached in history as having been guilty of the same crime they condemn in others.

18. That the meritorious conduct of the Indiana troops, on every battle field where victory has perched upon the national banner, has filled the people of this State with the highest gratitude to her gallant sons, and that we send our best wishes to officers and men in the service of their country, and the highest greetings of every citizen for their further brilliant achievements in the coming contests for the maintenance of the Constitution and the Union.

Mr. March, from the same committee, submitted the following report:

MR. PRESIDENT:

The undersigned, members of the Committee on Federal Relations, to whom was referred sundry resolutions of the Senate, have



had the same under consideration, in connection with the majority of the committee, and ask leave to submit the following preamble and resolutions, and recommend their adoption by the Senate.

WALTER MARCH,  
JOHN L. MANSFIELD,  
THOS. M. BROWNE,  
JOSHUA H. MELLETT,  
M. D. WHITE.

*Mem. Rep. 3 Fed. Res.*  
WHEREAS, The National Government is engaged in putting down a wicked rebellion against its rightful authority, excited by bad and reckless men, without any just or adequate cause;

AND WHEREAS, Great solicitude is felt by the people of this and other States, in regard to the position and action of this General Assembly in this crisis;

AND WHEREAS, Our fellow citizens, now serving in the various armies of the republic, have laid before this General Assembly many memorials and resolutions, filled with sound admonition and wise counsel, breathing the most ardent patriotism, and expressed in words that burn with the fire of true courage and unfaltering and unconditional devotion to the flag of the Union, and to which a fitting response should be given; therefore,

*Resolved*, That we are unconditionally and determinedly in favor of the preservation of the Union.

2. That in order to the preservation of the Union, we are in favor of a vigorous prosecution of the war.

3. That we will sustain our State and Federal authorities with men, money, and supplies, in all their efforts to sustain the Union, and prosecute the war.

4. That we will discountenance every faction and influence tending to create animosities among the people, or to afford consolation and hope to our enemies in arms; and that we will co-operate only with those who will stand by the Union, and by those who are fighting the battles of the Union.

5. That we view every proposition for an armistice, or of compromise with rebels in any other basis than that of unqualified sub-

mission to the constitution and laws, as wholly inadmissible under any circumstances, and fraught with the most dangerous consequences to the country.

6. That we adjure the people of Indiana to carefully refrain, in word and deed from everything calculated to sow discord between different sections of loyal States as tending greatly to weaken the cause of the Union, and strengthen and encourage that of the rebellion.

7. That we are determined to maintain the allegiance of Indiana to the National Government at all hazards, and to the last extremity, and never will consent to the formation of a North-western or any other partial confederacy of States, under any circumstances whatever.

8. That resistance to law is revolutionary in its tendency, and that any attempt to embarrass the National Government in the execution of the conscription, revenue, or any other law of Congress, or to obstruct the arrest and return of deserters, should be frowned upon by the people, and promptly met and suppressed by the proper authorities.

9. That we regard secret and oath-bound political organizations as at all times improper, and especially so, at the present time; and we hope that our fellow-citizens will refrain from entering into or countenancing such organization wherever they exist.

10. That every department of the Government, both State and National, should be administered with the most rigid economy—all sinecures abolished, all officers discharged not in actual service of the country. That all frauds upon the public, both in civil and military affairs, should be exposed, and the guilty parties punished and compelled to restore to the public treasury every cent dishonestly or improperly obtained.

11. That the thanks of the General Assembly are most gratefully tendered to the officers and soldiers serving in the army for their heroic deeds, and words of wisdom and advice, and would send them, in return, greetings of good cheer, pledging ourselves that we will co-operate only with those who will stand by the Union, and by those who are fighting the battles of the Union.

Mr. March moved to substitute the resolutions offered by the minority, for those offered by the majority.

The ayes and noes were demanded by Messrs. Claypool and March, and being taken, resulted as follows: Ayes 20, noes 25.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Mansfield,	Pleak,
Bearss,	Claypool,	March,	Reed,
Beeson,	Culver,	Mellett,	Teegarden,
Blair,	Davis of Parke,	Murray,	White, and
Berry,	Grubb,	New,	Wright—20.
Browne of R.,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Hord,	Moore,
Bradley,	Ferguson,	Jenkins,	Ray,
Brown of Wells,	Fleming,	Johnson,	Williams,
Cobb,	Fuller,	Landers,	Wilson,
Corbin,	Gifford,	McClurg,	Wolfe, and
Davis of Cass,	Hartley,	Marshall,	Mr. President—25
Douglass,	Hoagland,		

So the amendment was rejected.

Mr. Mansfield moved to strike out all after the resolving clause, and insert the accompanying resolutions, being the same resolutions presented to the Senate by Mr. Downey, March 2, 1863, and referred to the Committee on Federal Relations.

Mr. Cobb moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. White and Mellett, and being taken, resulted as follows: Ayes 25, noes 23.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hord,	Moore,
Bradley,	Finch,	Jenkins,	Ray,
Brown of Wells,	Fleming,	Johnson,	Williams,
Cobb,	Fuller,	Landers,	Wilson,

Corbin,	Gifford,	McClurg,	Wolfe, and
Davis of Cass,	Hartley,	Marshall,	Mr. President—25
Douglass,	Hoagland,		

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Graves,	New,
Bearss,	Claypool,	Grubb,	Pleak;
Beeson,	Culver,	Mansfield,	Reed,
Berry,	Davis of Parke,	March,	Teegarden,
Blair,	Dickinson,	Melletts,	White, and
Browne of R.,	Downey,	Murray,	Wright—23.

So the amendment was laid on the table.

Mr. Downey moved to amend the report of the majority by adding the resolutions numbered eight and nine of the series just laid on the table.

Mr. Wolfe offered the following as a substitute for the amendment:

That while, in view of our present national condition, and the uncompromising feeling of the leaders of the rebellion, it may not, at the present time, be conducive to the end desired to procure an armistice between the Federal and Confederate armies, for the purpose of testing the fact whether or not an amicable settlement can be made between the contending parties on a basis of the Union, as many friends of the Union desire; yet we approve the general principle that it is the duty of the Government at the earliest period consistent with national honor, the public safety and the success of such policy to grant an armistice, without withdrawing the national forces, or surrendering any of the territory held, for the purpose aforesaid, to the end that no more treasure shall be expended, or blood shed, than is absolutely necessary to accomplish the overthrow of the rebellion, and the restoration of the Union under the Constitution.

Mr. Claypool moved to lay this amendment on the table.

Mr. Ray moved to lay both amendments on the table.

Mr. Mellett demanded a division of the question.

The first question being on Mr. Wolfe's substitute.

The ayes and noes were demanded by Messrs. Mellett and March, and being taken, resulted as follows: Ayes 31, noes 16:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	Gifford,	Murray.
Bearss,	Culver,	Graves,	New,
Beeson,	Davis of Parke,	Grubb,	Pleak,
Berry,	Dickinson,	Landers,	Ray,
Blair,	Downey,	McClurg,	Reed,
Bradley,	Ferguson,	Mansfield,	Teegarden,
Browne of R.,	Finch,	March,	White, and
Campbell,	Fleming,	Mellett,	Wright—31.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Fuller,	Jenkins,	Williams,
Brown of Wells,	Hartley,	Johnson,	Wilson,
Cobb,	Hoagland,	Marshall,	Wolfe and
Davis of Cass,	Hord,	Moore,	Mr. President—16
Douglass,			

So the substitute was laid on the table.

The question recurring on laying Mr. Downey's amendment on the table.

The ayes and noes were demanded by Messrs. Beeson and Mellett, and being taken, resulted as follows—ayes 24, noes 24:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Marshall,
Bradley,	Finch,	Hord,	Moore,
Brown of Wells,	Fleming,	Jenkins,	Ray,
Cobb,	Fuller,	Johnson,	Williams,
Corbin,	Gifford,	Landers,	Wilson, and
Davis of Cass,	Hartley,	McClurg,	Wolfe—24.
Douglass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Grubb,	Pleak,
Bearss,	Culver,	Mansfield,	Reed,
Beeson,	Davis of Parke,	March,	Teegarden,
Berry,	Dickinson,	Melletts,	White,
Blair,	Downey,	Murray,	Wright, and
Browne of R.,	Graves,	New,	Mr. President—24
Campbell,			

So the amendment was not laid on the table.

The question recurring on the adoption of the amendment offered by Mr. Downey.

Mr. Cobb moved to indefinitely postpone the amendment offered by Mr. Downey.

Mr. Mellett moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. March and Mellett, and being taken, resulted as follows: ayes 23, noes 25.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Davis of Parke,	March,	Teegarden,
Berry,	Dickinson,	Melletts,	White,
Blair,	Downey,	Murray,	Wright, and
Browne of R.,	Graves,	New,	Mr. President—23

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Hoagland,	Marshall,
Bradley,	Ferguson,	Hord,	Moore,
Brown of Wells,	Finch,	Jenkins,	Ray,
Cobb,	Fleming,	Johnson,	Williams,
Corbin,	Fuller,	Landers,	Wilson, and
Culver,	Gifford,	McClurg,	Wolfe—25.
Davis of Cass,	Hartley,		

So the motion to lay on the table was rejected.

The question recurring on the indefinite postponement,



The ayes and noes were demanded by Messrs. Johnson and Cobb, and being taken, resulted as follows : ayes 24, noes 24.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Marshall,
Bradley,	Finch,	Hord,	Moore,
Brown of Wells,	Fleming,	Jenkins,	Ray,
Cobb,	Fuller,	Johnson,	Williams,
Corbin,	Gifford,	Landers,	Wilson, and
Davis of Cass,	Hartley,	McClurg,	Wolfe—24.
Douglass,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Grubb,	Pleak,
Bearss,	Culver,	Mansfield,	Reed,
Beeson,	Davis of Parke,	March,	Teegarden,
Berry,	Dickinson,	Melletts,	White,
Blair,	Downey,	Murray,	Wright, and
Browne of R.,	Graves,	New,	Mr. President-24.
Campbell,			

So the motion to indefinitely postpone was rejected.

Mr. Wolfe moved to amend the amendment by adding the following :

*Provided*, That it is the duty of the President to immediately withdraw his emancipation proclamation.

Mr. Blair moved to lay the amendment on the table.

The ayes and noes were demanded by Messrs. Claypool and Blair, and being taken, resulted as follows : ayes 22, noes 26.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Melletts,	White, and
Blair,	Dickinson,	Murray,	Wright—22.
Browne of R.,	Graves,	New,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Downey,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Williams,
Cobb,	Fleming,	Johnson,	Wilson,
Corbin,	Fuller,	Landers,	Wolfe, and
Davis of Cass,	Gifford,	McClurg,	Mr. President—26
Douglass,	Hartley,	Marshall,	

So the motion was rejected.

The question recurring on the amendment of Mr. Wolfe to the amendment,

The ayes and noes were demanded by Messrs March and Mellett, and being taken, resulted as follows: Ayes 25, noes 22.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Williams,
Cobb,	Fleming,	Johnson,	Wilson,
Corbin,	Fuller,	Landers,	Wolfe, and
Davis of Cass,	Gifford,	McClurg,	Mr. President—26
Douglass,	Hartley,	Marshall,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Grubb,	Pleak,
Bearss,	Claypool,	Mansfield,	Reed,
Beeson,	Culver,	March,	Teegarden,
Berry,	Davis of Parke,	Mellett,	White, and
Blair,	Dickinson,	New,	Wright—21.
Browne of R.,	Graves,		

So the amendment was adopted.

The question being on the amendment as amended,

The ayes and noes were demanded by Messrs. Bearss and Beeson, and being taken, resulted as follows: Ayes 23, noes 24.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	Gifford,	Melletts,
Bearss,	Culver,	Grubb,	New,
Beeson,	Davis of Parke,	Hartley,	Ray,
Berry,	Davis of Cass,	Hoagland,	White,
Blair,	Downey,	McClurg,	Wolfe, and
Bradley,	Ferguson,	Mansfield,	Mr. President—23

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Jenkins,	Pleak,
Browne of R.,	Finch,	Johnson,	Reed,
Brown of Wells,	Fleming,	Landers,	Teegarden,
Campbell,	Fuller,	March,	Williams,
Cobb,	Graves,	Marshall,	Wilson, and
Corbin,	Hord,	Moore,	Wright—24.
Dickinson,			

So the amendment was rejected.

Mr. Downey moved to amend the majority report by adding the resolution No. 12, of the series offered by Mr. Mansfield, which was laid on the table.

Mr. Wolfe moved to amend by substitute, as follows :

That the charge made by wicked partisans, that the Democratic party, or any one of its members, desire the formation of a North-Western Confederacy, the reconstruction of the Union with any of the States left out, or the attachment of the State of Indiana to the rebel confederacy, is a base and wicked slander. The Democracy, now as ever, are for the whole Union, with an unbroken Constitution. adopt

The ayes and noes were demanded by Messrs. Claypool and March, and being taken, resulted as follows—ayes 27, noes 14:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Murray,
Brown of Wells,	Finch,	Jenkins,	Ray,
Cobb,	Fleming,	Johnson,	Williams,

Corbin,	Fuller,	Landers,	Wilson,
Davis of Cass,	Gifford,	McClurg,	Wolfe, and
Douglass,	Hartley,	Marshall,	Mr. President—27

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Dickinson,	Pleak,
Beeson,	Claypool,	Grubb,	Teegarden, and
Blair,	Culver,	Mansfield,	Wright—14.
Browne of R.,	Davis of Parke,	March,	

Two excused, Messrs. Mellett and White.

Refusing to vote, Messrs. Bearss, Berry, New and Reed.

So the amendment was adopted.

Mr. Downey moved to amend the majority report by adding the resolution No. 14, offered by Mr. Mansfield, which was adopted.

Mr. Mellett moved to amend as follows :

1. *Resolved*, That we are unconditionally and determinedly in favor of the preservation of the Union.

2. *Resolved*, That, in order to the preservation of the Union, we are in favor of a vigorous prosecution of the war.

3. *Resolved*, That we will sustain our State and Federal authorities with money and supplies, in all their efforts to sustain the Union and prosecute the war.

4. *Resolve*, That we will discountenance every faction and influence tending to create animosities at home, or to afford consolation and hope to our enemies in arms, and that we will co-operate only with those who will stand by the Union, and by those who are fighting for the Union.

Mr. Hord moved to lay this amendment on the table.

The ayes and noes were demanded by Messrs. Beeson and Browne of Randolph, and being taken, resulted as follows: Ayes 24, noes 22.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hoagland,	Marshall,
Brown of Wells,	Finch,	Hord,	Moore,

Bradley,	Fleming,	Jenkins,	Ray,
Cobb,	Fuller,	Johnson,	Williams,
Corbin,	Gifford,	Landers,	Wilson, and
Davis of Cass,	Hartley,	McClurg,	Mr. President—24
Douglass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Mansfield,	Reed,
Bearss,	Claypool,	March,	Teegarden,
Beeson,	Davis of Parke,	Melletts,	White,
Berry,	Dickinson,	Murray,	Wolfe, and
Blair,	Downey,	New,	Wright—22.
Browne of R.,	Grubb,	Pleak,	

So the amendment was laid on the table.

Mr. Blair offered the following amendment :

Add the following resolution :

That resistance to law is revolutionary in its tendency, and that any attempt to embarrass or resist, the authority of the National Government, in the execution and enforcement of the conscription, revenue, or any other law of Congress should be frowned upon by the people of Indiana, and promptly met and suppressed by the proper authorities.

Mr. Raymond moved to lay this amendment on the table.

The ayes and noes were demanded by Messrs. Beeson and Browne of Randolph, and being taken, resulted as follows : Ayes 25, nays 21.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Ferguson,	Hord,	Moore,
Bradley,	Finch,	Jenkins,	Ray,
Brown of Wells,	Fleming,	Johnson,	Williams,
Cobb,	Fuller,	Landers,	Wilson,
Corbin,	Gifford,	McClurg,	Wolfe, and
Davis of Cass,	Hartley,	Marshall,	Mr. President—25
Douglass,	Hoagland,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Campbell,	Mansfield,	Pleak,
Bearss,	Claypool,	March,	Reed,
Beeson,	Davis of Parke,	Melletts,	Teegarden,
Berry,	Dickinson,	Murray,	White, and
Blair,	Downey,	New,	Wright—21.
Browne of R.,	Grubb,		

So the amendment was adopted.

Mr. Murray offered the following amendment:

Insert in the proper place:

*And be it further resolved,* That the same measure of condemnation of the soldier who deserts his post, is hereby meted out to all other sworn servants of the Government, who desert their post, be they judges, jurors, or legislators, and that there is no obligation resting on one class to discharge their duties according to the requirements of law, and the obligations of their oaths, which are not equally applicable and binding on the others.

Mr. Cobb demanded the previous question.

The ayes and noes were demanded by Messrs. Bearss and March, and being taken, resulted as follows: Ayes 27, noes 18:

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Murray,
Brown of Wells,	Finch,	Jenkins,	Ray,
Cobb,	Fleming,	Johnson,	Williams,
Corbin,	Fuller,	Landers,	Wilson,
Davis of Cass,	Gifford,	McClurg,	Wolfe, and
Douglass,	Hartley,	Marshall,	Mr. President—27

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Mansfield,	Reed,
Bearss,	Claypool,	March,	Teegarden,
Beeson,	Davis of Parke,	Melletts,	White, and
Berry,	Dickinson,	New,	Wright—18.
Blair,	Grubb,	Pleak,	



So the demand for the previous question was seconded.

The question recurring on Mr. Murray's amendment,

The ayes and noes were demanded by Messrs. Claypool and Browne of Randolph, and being taken, resulted as follows: ayes 34, nays 11.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hord,	Murray,
Beeson,	Downey,	Jenkins,	Ray,
Berry,	Ferguson,	Johnson,	Reed,
Bradley,	Finch,	Landers,	White,
Brown of Wells,	Fleming,	McClurg,	Williams,
Cobb,	Fuller,	Mansfield,	Wilson,
Corbin,	Gifford,	March,	Wolfe, and
Davis of Cass,	Hartley,	Marshall,	Mr. President—34
Dickinson,	Hoagland,	Moore,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Melletts,	Teegarden, and
Blair,	Davis of Parke,	New,	Wright—10.
Browne of R.,	Grubb,	Pleak,	

The question being on the adoption of the majority report,

The ayes and noes were demanded by Messrs. Bearrs and Beeson, and being taken, resulted as follows: ayes 26, noes 17.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hoagland,	Moore,
Bradley,	Ferguson,	Hord,	Ray,
Brown of Wells,	Finch,	Jenkins,	Williams,
Cobb,	Fleming,	Johnson,	Wilson,
Corbin,	Fuller,	Landers,	Wolfe and
Davis of Cass,	Gifford,	McClurg,	Mr. President—26.
Douglass,	Hartley,	Marshall,	

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	March,	Pleak,
Beeson,	Davis of Parke,	Melletts,	Reed,

Berry,	Dickinson,	Murray,	Teegarden, and
Blair,	Grubb,	New,	White—17.
Browne of R.,	Mansfield,		

So the report was concurred in.

On motion by Mr. Williams,

House bill No. 139, an act to raise a revenue for State purposes,  
for the years 1863, and 1864,  
Was read a third time.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hartley,	New,
Bearss,	Davis of Cass,	Hoagland,	Pleak,
Beeson,	Dickinson,	Hord,	Ray,
Berry,	Douglass,	Jenkins,	Reed,
Blair,	Downey,	Johnson,	Teegarden,
Bradley,	Ferguson,	Landers,	White,
Browne of R.,	Finch,	McClurg,	Williams,
Brown of Wells,	Fleming,	Mansfield,	Wilson,
Claypool,	Fuller,	March,	Wolfe, and
Cobb,	Gifford,	Marshall,	Mr. President-42.
Corbin	Grubb,	Mellett,	

Noes none.

So the bill passed.

On motion by Mr. Gifford,

The Senate adjourned.

7½ O'CLOCK, P. M.

The Senate met.

Mr. Brown of Wells offered the following :

WHEREAS, It is especially due the people, while the burdens and sacrifices of a dire civil war are fearfully taxing their energies, that rigid investigations should be made of the official conduct of their public servants to whom the control of public moneys may have been entrusted; and

WHEREAS, The people of the State of Indiana demand of this Legislature a faithful and fearless discharge of such duty ; therefore,

*Resolved*, That a special committee of five be appointed by the President of the Senate to investigate the transactions connected with and growing out of the negotiation and disbursement of the two million loan, authorized by act of the Legislature, approved May 13th, 1861, the expenditures in the State Quartermaster's Department, and the State Commissary's office, the purchase of arms by the State, the management of the State Arsenal, and the Benevolent Institutions of the State, in each case, to extend back to the 1st day of May, 1861, without reference to what fund they may have been paid from. And said committee shall have power to send for persons, books and papers, to compel attendance of witnesses, and punish contempts, and to adopt rules for their government, and the manner of transacting their business. They shall make a report of their proceedings, and have printed of the same five thousand copies for distribution, and shall submit, in writing, to the Attorney General of the State, their opinion as to whether or not any prosecutions on the part of the State for recovery are necessary, and if so, upon what transactions suits should be founded. And said committee shall have power to sit after the adjournment of this General Assembly, and the members thereof shall draw the same pay and mileage as members of the General Assembly. And said committee shall also draw upon the fund appropriated for legislative expenses of the present General Assembly for all the con-

tingent expenses of said committee. And the Auditor of State be, and he is hereby instructed to draw his warrant upon the fund appropriated for legislative expenses of the present General Assembly in favor of the members of said committee for their said per diem and mileage, and, also, for the said contingent expenses of said committee, upon certificate of the chairman of said committee. And said committee shall give due notice of its sittings and proceedings to the public officers, whose official transactions they shall have under investigation; and said officers shall have the privilege of attending the investigations of said committee, in person or by attorney; and the sittings of said committee shall not extend beyond forty days.

Mr. Moore moved to amend the resolution by striking out "five," and inserting "three."

The ayes and noes were demanded by Messrs. Reed and Bearss, and being taken, resulted as follows: Ayes 28, noes 8.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Grubb,	Pleak,
Bearss,	Downey,	Hoagland,	Ray,
Beeson,	Ferguson,	Johnson,	Reed,
Blair,	Finch,	Mansfield,	Teegarden,
Davis of Parke,	Fleming,	March,	Williams,
Davis of Cass,	Gifford,	Moore,	Wilson, and
Dickinson,	Graves,	New,	Wright—28.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Corbin,	Hartley,	Wolfe, and
Browne of R.,	Culver,	Landers,	Mr. President—8
Brown of Wells,			

So the amendment was agreed to.

Mr. Wright moved to amend by striking out all that has reference to the Benevolent Institutions;

Which was agreed to.

Mr. Dickinson moved to amend so that said committee shall consist of Senators Gifford, Moore, and New.

Mr. New, Mr. Moore, and Mr. Gifford declined to act on said committee.

Mr. Davis of Cass moved to amend, by way of substitute, to insert in the proper place, and that the Senator from Knox, the Senator from Montgomery, and the Senator from Harrison.

Mr. Corbin moved to lay both amendments on the table.

Mr. Ray demanded a division of the question.

The question being on the amendment to the amendment,

The ayes and noes were demanded by Messrs. March and Bearss, and being taken, resulted as follows: Ayes 20, noes 15.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Culver,	Finch,	Pleak,
Beeson,	Davis of Parke,	Gifford,	Tegarden,
Berry,	Douglass,	Mansfield,	Wilson,
Browne of R.,	Downey,	Moore,	Wolfe, and
Brown of Wells,	Ferguson,	New,	Mr. President—20
Corbin,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Dickinson,	Hartley,	March,
Bearss,	Fleming,	Hoagland,	Ray,
Blair,	Graves,	Johnson,	Reed, and
Corbin,	Grubb,	Landers,	Wright—15.
Davis of Cass,			

Excused Messrs. White and Williams.

So the amendment to the amendment was laid on the table.

The amendment was laid on the table.

Mr. Bearss moved to refer the resolution to the Committee on the Judiciary.

Mr. Landers moved to lay this motion on the table.

The ayes and noes were demanded by Messrs. Bearss and Beeson, and being taken, resulted as follows: Ayes 21, noes 15.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hartley,	Ray,
Browne of R.,	Downey,	Hoagland,	Reed,
Brown of Wells,	Ferguson,	Johnson,	White,
Corbin,	Finch,	Landers,	Wolfe, and
Culver,	Fleming,	New,	Mr. President-21.
Davis of Cass,	Gifford,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Mansfield,	Teegarden,
Bearss,	Dickinson,	March,	Williams, and
Beeson,	Graves,	Moore,	Wright—15.
Blair,	Grubb,	Pleak,	

So the motion was agreed to.

The question recurring on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Dickinson and Brown of Wells, and being taken, resulted as follows: Ayes 27, noes 9.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Davis of Cass,	Hartley,	Pleak,
Berry,	Douglass,	Hoagland,	Ray,
Blair,	Downey,	Johnson,	Reed,
Browne of R.,	Ferguson,	Landers,	White,
Brown of Wells,	Finch,	Mansfield,	Williams,
Corbin,	Fleming,	Moore,	Wolfe, and
Culver,	Gifford,	New,	Mr. President—27

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Grubb,	Teegarden, and
Bearss,	Dickinson,	March,	Wright—9.
Beeson,	Graves,		

So the resolution was adopted.

A message from the House :



MR. PRESIDENT :

I am directed to transmit to the Senate the following enrolled acts of the House, to-wit :

Enrolled House bill No. 69. An act regulating the duties of the State Librarian, and providing penalties for a violation of the provisions of this act.

House bill No. 117. A bill to authorize the transfer and payment of Congressional township school funds, which accrued from the sale of school lands within the territory now forming the county of Newton, to said county from the county of Jasper; to legalize payments heretofore made, and to authorize the Auditor of the county of Newton to execute conveyance in certain cases.

House enrolled act No. 139. An act to raise revenue for State purposes, for the years 1863 and 1864.

House enrolled act No. 129. An act to provide that the laws of this State regulating the salaries of officers, shall not be so construed as to permit the public officers thereof to receive their salaries in advance, and to repeal all laws coming in conflict with this act.

House enrolled act No. 109. An act to amend the first section of an act entitled an act for the relief of the borrowers of the Sinking Fund, and to repeal the 4th section, and so much as applies to the Sinking Fund of the whole act entitled an act to extend to the borrowers of the Sinking Fund, Surplus Revenue Fund, Congressional School Fund, and other funds, time of payment of loans, and prescribing the duties of officers in regard thereto, approved March 3, 1859, and prescribing how mortgages may be substituted, and containing some provisions respecting the Sinking Fund and its control and management, and matters properly connected therewith, approved March 9, 1861.

House enrolled Act No. 75. An act to provide for the inspection of petroleum oils, for illuminating purposes, making and branding the same, prescribing penalty for selling without inspection, or for falsely branding the cask, package, or barrel containing the same, or for violating any of the provisions of this act; for the appointment of inspectors and deputies, prescribing their duties and terms

of office, and imposing penalties for inspectors or deputies trading in any article they are appointed to inspect.

Which enrolled acts have been signed by the Speaker of the House of Representatives, and are respectfully submitted for the signature of the President of the Senate.

Mr. Browne of Randolph submitted the following resolution :

1. *Resolved by the Senate, (the House concurring therein,)* That there shall be appointed a committee, consisting of two members on the part of the Senate, and three on the part of the House of Representatives, to be denominated an Auditing Committee, whose duty it shall be to meet at Indianapolis monthly, and examine and audit the accounts of the Commissary General, and Quarter Master General, and all other accounts, either for pay of men or material of any kind purchased and designed to be paid for out of appropriations heretofore made, or which may hereafter be made for military purposes, including payment of the Indiana Legion, if an appropriation be made therefor; and that the Auditor of State be expressly prohibited from paying any claim of the description aforesaid, until said claim has been audited and certified by said Auditing Committee, or a majority of it.

2. *Resolved,* That said committee shall make out a regular balance sheet each month, which, together with the proper vouchers, shall be carefully preserved. They shall have power to direct the proper forms to be used for accounts and vouchers, and require all to be made in accordance with such forms.

3. *Resolved,* That said committee shall each receive the sum of three dollars for each day they may be necessarily employed in the discharge of their duties, and five cents per mile for the distance travelled in going to and returning from their attendance upon such duties, the same to be paid out of the money appropriated to the payment of the Legislative expenses of the present General Assembly, and the Auditor is hereby directed to audit the accounts for the services of such committee upon the certificate of a majority of the committee.

4. *Resolved,* That said committee shall examine and determine all claims presented to them for allowance, without delay, and that

said committee shall only be entitled to receive pay for time during which they shall have been actually employed.

5. *Resolved*, That a majority of said committee shall constitute a quorum for business, but no allowance of such majority of any claim or account shall be valid so as to authorize its payment, unless such allowance be made by a number of said committee equal to a majority of the whole.

6. *Resolved*, That said committee shall only be authorized to sit so long as the duties herein imposed upon them may demand, and whenever said claims and accounts shall be fully examined and audited, said committee shall be and is hereby discharged.

On motion by Mr. Browne of Randolph,  
The resolutions were laid on the table.

On motion by Mr. March,  
House bill No. 69. A bill to regulate the duties of the State Librarian ;"  
Was taken up.

On motion by Mr. March,  
The vote adopting the Senate amendments thereto was reconsidered.

On motion by Mr. Ray,  
The amendments were laid on the table.

The question being, shall the bill pass ?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Graves,	Pleak,
Bearss,	Davis of Cass,	Hartley,	Ray,
Beeson,	Dickinson,	Hoagland,	Teegarden,
Berry,	Douglass,	Johnson,	White,
Blair,	Downey,	Landers,	Williams,
Browne of R.,	Ferguson,	Mansfield,	Wolfe,
Brown of Wells,	Finch,	March,	Wright, and
Claypool,	Fleming,	Moore,	Mr. President—34
Corbin,	Gifford,	New,	

So the bill passed.

Mr. Corbin, from the Committee on Benevolent Institutions, made the following report:

The Committee on Benevolent Institutions, beg leave to report, that they have visited said Institutions, and made as thorough an investigation of the qualifications of the officers, the treatment of the inmates, and the financial management thereof, as their limited time would permit. And they would say generally of them, that from all the information they have been able to obtain, the inmates have been well treated, and have received from the officers and teachers that attention which was due for their moral and intellectual culture, and observed in the various Institutions a degree of progress and happiness among the inmates, which reflects great credit on the State, under whose care they have been fostered and sustained, and of which her citizens should feel a just pride. But your committee regret to say that the financial affairs of said Institutions have not been conducted with that economy which should characterize them as pensioners of the people's bounty. They would therefore recommend the attention of this General Assembly to the passage of such legislative restrictions as will more fully guard said Institutions against future extravagance, and inaugurate a more prudent policy in the financial management of said Institutions.

As to the appropriations asked for by said Institutions, they would respectfully report as follows:

The Hospital for the Insane ask for the following appropriations:

For current expenses for 1863.....	\$35,000
For construction of fence.....	1,500
For building kitchen, &c.....	15,000
For painting terrace, &c.....	1,000
For re-laying floors.....	300
For iron bedsteads.....	1,000

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Making in all the sum of..... \$53,800

But your committee would recommend the following appropriations:

For current expenses.....	\$30,000
For constructing fence.....	1,500

For painting cornice, &c.....	1,000
For repairing floors.....	300
	<hr/>
Making in all.....	\$32,800

The Institution for the Education of the Blind, have heretofore received an appropriation to meet their current expenses of sixteen thousand dollars, but claim by reason of the advanced price of necessities to supply said Institution, an increase of said appropriation to \$20,000, they also claim an appropriation to construct heating apparatus for said Institution, amounting to.....		\$8,000
For re-painting fence and building.....		1,500
For purchasing school apparatus.....		1,000
		<hr/>
Making in all.....		\$30,500

As to the propriety of making said appropriation, your committee would remark, that although there is a great advance in such articles as are required to supply said Institution, yet they believe by proper economy the expenses may be curtailed sufficiently to meet such advance, and therefore recommend an appropriation to meet the current expenses for the year 1863, \$16,000 They also recommend an appropriation for painting fence and interior of building, and to purchase school apparatus, \$2,000.

The committee would remark, relative to the construction of a heating apparatus, for warming said Institution, that there are many reasons why this should be done, and one which we deem sufficient, is that with the present mode, said inmates are liable at any time to come in contact with the flames, and their clothing be the means of their own destruction, as well as the building, and in case of a conflagration, being scattered in the various apartments, would be perfectly helpless in providing means of escape.

The Superintendent has based his estimate for completing said improvement upon the supposition that the engine and machinery were to be placed in the building situate back of the main building, and between the two wings, in such a manner that the same is nearly surrounded, and the stack is so close that the soot from the same destroys all the rain water which is saved from the roof of the building, and in case of accident by bursting of the boiler it might do great damage to the main building. The committee think it inexpedient to put said machinery in said building so



located, they have made inquiry as to the cost of removing said stack to the back side of the lot, and erecting a suitable building in which to put said machinery, and find that it will not increase the expenses beyond three or four thousand dollars, and would therefore recommend that an appropriation be made for that purpose to the amount of twelve thousand dollars, which would make the entire amount of the appropriation \$30,000.

The Institution for the Education of the Deaf and Dumb claim the sum \$26,500 to meet the current expenses of the Institution. But your committee are unable to see why it requires \$10,500 more to meet the current expenses of said Institution when there are but thirty more inmates, than it requires to meet the current expenses of the Institution for the Blind, and would therefore recommend as an appropriation to meet the current expenses for the year 1863, the sum of \$22,000.

On motion by Mr. New,  
The report was informally passed over.

Mr. Dunning (Mr. Moore in the chair,) offered the following resolution:

*Resolved*, That the Principal Secretary of the Senate, and his employees; the Assistant Secretary of the Senate, and his employees; that the Doorkeeper and the Assistant Doorkeeper of the Senate, and their employees, in addition to the sum already allowed, be allowed each one dollar per day for their services, except the pages.

Mr. Browne of Randolph moved to amend as follows:

Make the pay four dollars as to all the Secretaries, four dollars as to Principal and Assistant Doorkeepers, and three dollars to their Assistants.

Mr. Dunning moved to amend by making the pay of the employees of the Doorkeepers \$3 50 per day.

Mr. Landers moved to lay both amendments on the table.

Mr. Browne of Randolph demanded a division.

The question being on the amendment to the amendment,



The ayes and noes were demanded by Messrs. Davis of Cass and Landers, and being taken, resulted as follows—ayes 15, noes 20:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Corbin,	Douglass,	Landers,
Beeson,	Davis of Parke,	Downey,	Mansfield,
Browne of R.,	Davis of Cass,	Fleming,	March, and
Claypool,	Dickinson,	Grubb,	Williams—15.

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Finch,	Johnson,	Teegarden,
Bearss,	Gifford,	Moore,	White,
Berry,	Graves,	New,	Wolfe,
Blair,	Hartley,	Pleak,	Wright, and
Brown of Wells,	Hoagland,	Ray,	Mr. President—20
Ferguson,			

So the amendment was not laid upon the table.

The question being, on laying the amendment on the table.

The ayes and noes were demanded by Messrs. Davis of Cass and Williams, and being taken, resulted as follows—ayes 22, noes 12:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hartley,	Ray,
Berry,	Ferguson,	Hoagland,	White,
Blair,	Finch,	Johnson,	Williams,
Brown of Wells,	Fleming,	Landers,	Wolfe,
Davis of Parke,	Gifford,	Moore,	Wright, and
Davis of Cass,	Graves,	Pleak,	Mr. President—22

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Claypool,	Downey,	March,
Bearss,	Corbin,	Grubb,	New, and
Beeson,	Dickinson,	Mansfield,	Teegarden—12.
Browne of R.,			

So the amendment was laid on the table.

Mr. Dunning offered his amendment to the original resolution.

The amendment was adopted.

Mr. Claypool made an ineffectual motion to lay the resolution on the table.

Mr. Johnson moved to amend as follows :

Amend so as to allow the Doorkeeper and Assistant Doorkeeper each three dollars and fifty cents per day.

Which was adopted.

The resolution as amended was then adopted.

Mr. Claypool offered the following resolution, which was adopted unanimously by a rising vote :

*Resolved*, That the thanks of the Senate be, and they are hereby tendered to the Hon. Paris C. Dunning, for the prompt, dignified and impartial manner in which he has presided over the deliberations of the Senate during the present session.

On motion by Mr. Ray,

House bill No. 75. A bill to provide for the inspection of petroleum oils for illuminating purposes, making and branding the same, providing penalty for selling without inspection, or for falsely branding the cask, package, or barrel containing the same, or for violating any of the provisions of this act; for the appointment of inspectors and deputies, prescribing their duties and terms of office, and imposing penalties for inspectors or deputies trading in any article they are appointed, &c.;

Was read a third time.

On motion by Mr. Browne of Randolph,

The Senate adjourned.

SATURDAY, 8½ o'clock, A. M., }  
 March 7, 1863. }

The Senate met.

The journal of yesterday was being read, when,

On motion by Mr. Hord,

Its further reading was dispensed with.

The President announced the special order, being the consideration of the report from the Committee on Federal Relations, in reply to resolutions from the soldiers.

Mr. March, from the minority of the Committee on Federal Relations, submitted the following report:

MR. PRESIDENT :

The undersigned, members of the Committee on Federal Relations, to which were referred sundry proceedings and resolutions of four batteries of artillery and twenty-five different regiments of Indiana volunteers, have had the same under consideration, in connection with the other members of the committee, and after listening to the reading of the report which the majority recommend to be adopted by the Senate as a general reply to the above resolutions of our patriotic and gallant soldiers, ask leave to submit the following report for the consideration and adoption of the Senate:

*To the Officers and Soldiers now in the field from Indiana, in the various armies of the Republic.*

FELLOW CITIZENS :

While we join the majority of the Committee on Federal Relations and of the Senate, in returning to you our most heartfelt thanks for your very opportune communications, your words of admonition and of counsel, and while we have been and are now willing to be guided by them in our action, and step upon your platform with any and all parties as the common platform of all

true patriots, yet we have not understood that a long and formal reply, of the character of the one presented by the majority of the committee, was either desired or expected by you from this General Assembly, or either branch of it.

We have been willing to let this body, and all whom it represents, be judged by their acts, without any special detailed defense, thinking that we should give better heed to your counsel to "abstain from heated political discussions, and violent party wranglings," by keeping silent, than by sending among you such a document as the one recommended by the majority of the committee. For while defending one party and its members against a supposed charge of a want of unconditional and fervent loyalty to the national government, many accusations are directly and indirectly made against the national administration and its policy, against the State Executive and the persons employed by it to visit the sick and wounded soldiers, and consequently against all those who support the national administration, and those who have confidence in the energy, ability, humanity, and patriotism of the Governor of the State. But inasmuch as the majority of the committee and of the Senate, have resolved to send to you a general reply, although we cannot be expected to indorse all that is contained in the one proposed, yet we desire to unite with the majority in conveying to you our sentiments upon all matters in which we agree, and without attempting or desiring to notice many things of argument and of minor importance, to respectfully express our dissent from some opinions and conclusions contained therein, and supply some of its omissions.

We unite most heartily with the majority in all their expressions of regard for your welfare, for your honor and success; with them we sympathise with you in your toils and sufferings, your absence from home and its comforts, and we partake with them in the pride of your great achievements. We have heretofore, and will continue to unite with them, and with any and all parties in providing ways and means for your prompt payment, for your comfort when suffering from sickness and wounds, and for the comfort and support of your families under all circumstances in your absence. We lament the necessity for this war, and have not words with which to express our grief for the woe and sufferings it has inflicted upon our country, and upon many thousands of loyal hearts. But we can discover no way of escape, no hope of relief, except by subduing

and disarming the haughty and insolent traitors, who, without cause, commenced the war.

In order to succeed in the war, we must be united and give to the Government our undivided confidence and support.

We unite with the majority of the committee in expressing a determination to defend all the personal rights of every citizen of the State from all unwarrantable encroachments from any quarter, and will support the State in the full exercise of all her constitutional powers, and at the same time maintain her allegiance to the National Government intact under all circumstances. We must say, however, that we have as yet failed to discover any disposition on the part of the General Government to encroach upon the powers of the State, or rights of the citizen.

We have said that the minority united with the majority in thanking you for your words of counsel and of good cheer. We repeat it. We had been told that you had been broken into factions, and were demoralized by the policy adopted by the General Government. Your patriotic communications to this General Assembly prove the report to have been a mistake or a base slander. There were rumors that you were discouraged and disheartened by the length of the war, and the want of more general military success, but your brave and loyal words and firm resolves, deprive these rumors of all power to harm, have strengthened our resolution and renewed our confidence in the ability of the Government to put down the rebellion, preserve the Constitution, and restore the Union.

Your counsel and suggestions have undoubtedly been of incalculable benefit to each member of this General Assembly in enabling him to come to a correct conclusion in regard to his course of conduct, and the line of policy to be pursued by the State. In common with you, at the commencement of the session, and until recently, we were alarmed and oppressed with great anxiety with reference to the position in which the State might be placed, and its influence upon the general cause. It is needless to refer to the causes, except in general terms, for you are fully acquainted with all our proceedings.

Resolutions have been introduced in this General Assembly by leading members, bitterly condemning the conduct of the executive of the State, and of the National Administration and all its policy, and at the same time recommending an armistice and a peace convention, while the rebels were treating all such propositions with

scorn and contempt, and their military power was unbroken. At the same time, Davis, the arch traitor, was traveling through the rebel States and exhorting them to hold out, as the North-west was now divided on the policy of the war, and that was the "quarter to which he looked for the first breaking of the light of peace."

Bills were repeatedly introduced, whose only effect could have been, if enacted into law, to completely trammel the Executive in the exercise of his constitutional military powers, and divide the State into two hostile military camps. One of those bills is still pending in the House, engrossed for a third reading.

We are ready to admit that we breathe more freely since we have been presented with the general reply to your communications as representing the sentiments of the majority of the Senate. We repeat that the majority, in common with ourselves, have undoubtedly been greatly benefitted by your counsel and advice in their deliberations, and in coming to many of their conclusions.

You have now the double honor of defeating our enemies on the field of battle, and giving efficient aid in directing the civil government at home.

We wish now briefly to refer to a matter which seems wholly, or in a great part, omitted in the general reply of the majority.

In one of your communications to the General Assembly, you use the following language:

"We ask that you will sustain all officers of the State and General Government in their efforts to subdue this unholy rebellion, and especially that you will sustain our worthy Governor, whose every energy, during the past two years, has been entirely devoted to the cause of the Government and its supporters.

"We appeal to you especially to sustain him for the reason that it is chiefly to his unceasing care and labor, exhibited in arming and supplying the troops of Indiana, that we have to attribute our present proud position among the loyal States of the Union, and for the further reason that he has demonstrated by his acts that he is an earnest and zealous patriot, devoting his time with untiring energy to the glorious cause for which we are battling; we appeal to you as our Representatives to encourage him in the good work of ministering to the wants of our unfortunate comrades who have been stricken down in the strife of the battle field, and by the cruelty of relentless disease; that you will confer on him all the necessary authority, and place in his hands the requisite means to carry



out the good work which he has begun, remembering that one human life is worth all the treasure of the proudest State."

We have failed to discover, in the general reply of the majority, any recognition of the services of the Governor of the State alluded to in your communication, or anything to strengthen or encourage him in his arduous and responsible labors; on the contrary, those employed by him to carry aid and comfort to the soldiers in the field and in the hospital, are villified with the most odious epithets; are called "pensioned patriots," "pensioned out of the money which ought to have been appropriated to your exclusive benefit." It is charged that "political colporteurs have been sent amongst you to slander and villify the majority of the Senate and the other branch of the Legislature;" "cringing tools of power, who visit your camps with slander on their tongues, and the hate of their masters in their hearts." It is charged that the "very money which the majority of the people had paid for your comfort and benefit in the hospital and in the sick room, were turned into means of detraction by the agents paid out of that most sacred fund."

You are undoubtedly better able to judge of the truth of these charges than any member of the committee, or of the Senate, but so far as our knowledge extends we are not aware of any facts to sustain them, and believe them to be wholly without foundation. If there is ground for these charges in any respect let it be published to the world. If they are without foundation we trust that you will promptly stamp them with falsehood, and vindicate the good name of Governor Morton, and of those appointed by him to carry to the sick and wounded soldier, the aid and comfort provided by the State.

We are not disposed to be the gratuitous laudators of any person, but in such a trying time for all public servants, we think those who are faithful, honest, and prompt in the discharge of all their official duties, should be at least exempt from public detraction, and that our execrations should be expended upon traitors and defrauders of the public treasury, who, if possible, are worse than traitors.

So far as relates to President Lincoln, we believe that he carries the heaviest burden that has ever been laid upon the shoulders of mere mortal man from Adam downward, "enough to crush Atlantean shoulders though fit to bear the weight of mightiest mon-

archies," and his hands ought to be strengthened and upheld by all loyal citizens.

He may commit mistakes. Who has not? His honesty and patriotism are unquestioned. To you, in conclusion, we join the majority of the Senate in rendering our warmest thanks and best wishes. We send you no party platform, and have no partisan ends to accomplish. We surrender no political opinions and ask that none be surrendered by others, but are ready to act and join hands with any and all citizens who are unconditionally loyal to the Union and the Constitution. We bring no railing accusations against our fellows, leaving all citizens and parties to be judged by their acts, but we desire that mere party strife be suspended until the rebellion is put down, and the Union restored.

We will stand by you and your interests, and the interests of your State at home, and pledge you the last dollar and last man, when necessary to supply your wants or fill your ranks.

With great respect and esteem,

Your fellow citizens,

WALTER MARCH,  
JOHN L. MANSFIELD,  
THOS. M. BROWNE,  
J. H. MELLETT,  
M. D. WHITE.

Mr. March moved to lay the report on the table, and that five thousand copies be printed.

On motion by Mr. Johnson,

The special order being the contested election case of Messrs. Murray and Baker, was postponed until 11 o'clock.

The further consideration of this subject, being the minority report of the Committee on Federal Relations, was informally passed over.

Mr. Williams, chairman of the Committee on Finance, made the following report, which was concurred in:

MR. PRESIDENT:

The Committee on Finance, to whom was referred House bill No. 129, have had the same under consideration, and have directed me to report the same back and recommend its passage:

House bill No. 129. An act to provide that the laws of the State regulating the salaries of officers shall not be so construed as to permit the public officers thereof to receive their salaries in advance, to repeal all laws coming in conflict with this act;

Was read the third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke, Grubb,	Pleak,
Bearss,	Davis of Cass, Hoagland,	Ray,
Beeson,	Dickinson, Hord,	Reed,
Berry,	Douglass, Johnson,	Teegarden,
Bradley,	Downey, Jenkins,	White,
Browne of R.,	Ferguson, McClurg,	Williams,
Brown of Wells,	Finch, Mansfield,	Wilson,
Campbell,	Fleming, March,	Wolfe,
Claypool,	Fuller, Moore,	Wright, and
Cobb,	Gifford, New,	Mr. President—42
Corbin,	Graves,	

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

Mr. Williams, chairman of the Committee on Finance, submitted the following report:

MR. PRESIDENT:

The Committee on Finance, to whom was referred House bill No. 109, have had the same under consideration, and recommend that the same be reported back to the Senate for their action.

On motion by Mr. Johnson,

House bill No. 109. An act for the relief of borrowers of the Sinking Fund, and to amend section one of an act for the relief of borrowers of the Sinking Fund, approved March 9, 1861;

Was read the third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Dickinson,	Hartley,	Moore,
Bearss,	Douglass,	Hoagland,	New,
Berry,	Downey,	Hord,	Pleak,
Blair,	Ferguson,	Johnson,	Ray,
Browne of R.,	Finch,	Landers,	Reed,
Brown of Wells,	Fleming,	McClurg,	Teegarden,
Campbell,	Fuller,	Mansfield,	White,
Claypool,	Gifford,	March,	Wright, and
Corbin,	Grubb,	Marshall,	Mr. President—36
Davis of Cass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Cobb,	Wilson, and	Wolfe—5.
Beeson,	Williams,		

So the bill passed.

*Ordered,* That the Secretary inform the House thereof.

On motion by Mr. New,

House bill No. 75. A bill to provide for the inspection of petroleum oils for illuminating purposes, making and branding the same, providing penalty for selling without inspection, or for falsely branding the cask, package, or barrel containing the same, or for violating any of the provisions of this act, for the appointment of inspectors and deputies, prescribing duties and terms of office, and imposing penalties for inspectors or deputies trading in any article they are appointed to inspect;

Was taken up and read a third time.

The question being, shall the bill pass?

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE.

Messrs.	Corbin,	Grubb,	Pleak,
Bearss,	Davis of Parke,	Hartley,	Ray,
Beeson,	Davis of Cass,	Hoagland,	Reed,
Berry,	Dickinson,	Johnson,	Teegarden,
Blair,	Downey,	Landers,	White,
Bradley,	Ferguson,	McClurg,	Williams,

Browne of R.,	Finch,	Mansfield,	Wilson,
Brown of Wells,	Fleming,	March,	Wolfe,
Campbell,	Fuller,	Marshall,	Wright, and
Claypool,	Gifford,	Moore,	Mr. President—43
Cobb,	Graves,	New,	

So the bill passed.

*Ordered*, That the Secretary inform the House thereof.

Mr. Williams, chairman of the Committee on Finance, submitted the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred sundry claims to be allowed in the specific appropriation bill, have had the same under consideration, and have come to the conclusion that no appropriation bill can pass; therefore, they recommend the following resolution :

*Resolved*, That the Auditor of State be authorized to draw his warrants upon the Treasurer of State for the following allowances, to be paid out of the appropriation made at the present session for legislative purposes.

That M. H. Good be allowed the sum of two dollars and ten cents, for narrow ribbon for Senate.

That H. H. Dodd be allowed the sum of ten dollars, for registers of bills for House.

That H. H. Dodd be allowed the sum of ten dollars, for registers of bills for Senate.

That William Braden be allowed the sum of one dollar and twenty-five cents, for inkstand for Senate.

That J. H. Vajen be allowed the sum of ninety cents, for chisel, mallet and handle, for J. H. Vawter.

That William Braden be allowed the sum of sixty cents for blank book for J. H. Vawter, Secretary.

That Nimrod Barr be allowed the sum of seventeen dollars, for

service in nursing, dressing and depositing in coffin the corpse of Thomas Shoulders.

That W. H. Montgomery, Doorkeeper, be allowed thirty-one dollars and twenty cents for expenses incurred in conveying the corpse of Thomas Shoulders from this city to his residence in Du-bois county, as per bill filed.

That the State Board of Agriculture be allowed the sum of four thousand six hundred and seventy-one dollars and twenty-seven cents, for the use and occupation of the Fair Ground as a military camp, to-wit:

Balance on rent from April 20, 1861, to April 20, 1862..	\$400 00
From April 20, 1862, to April 20, 1863 .....	2,400 00
For property on Fair Ground taken, used and destroyed by soldiers. ....	1,871 27

That S. G. Thomson be allowed twelve dollars for preparing Senate Chamber at commencement of session.

That H. E. Buehrig be allowed the sum of twenty-two dollars, for board and service rendered Thomas Shoulders during his illness, &c., as per bill filed.

That S. P. Mead, sheriff of Laporte county, be allowed the sum of fifty dollars for conveying prisoners from Laporte county to Jeffersonville, and returning same to Laporte county.

That Hogshire & Co. be allowed one dollar and fifteen cents for gum arabic and twine, as per bill filed.

That Hogshire & Co. be allowed fifty cents, for two balls twine, as per bill rendered.

That Hogshire & Co. be allowed the sum of one hundred and ninety-six dollars and seventy cents, as per bills rendered March 3 and 7.

That Harris Tyner be allowed two hundred dollars, for forty cords of wood, as per contract.

That James B. Wilson be allowed \$18 00 for serving sub for Military Committee.



That the Indianapolis Journal Company be allowed \$477 36, as per bill filed, and agreement with doorkeeper.

That Weaver and Williams be allowed the sum of \$53 00 for Metalic Case and Box for Mr. Shoulders.

That W. H. Drapier be allowed \$45 00; \$30 00 for publishing a list of the joint resolutions passed during the last session of the General Assembly, and \$15 00 for organizing the present Senate.

That Mr. Dils be allowed for forty days' service in the contested case of Dickinson, at \$3 00 per day.

That Mr. Baker be allowed for forty days' service as Senator, at \$3 00 per day.

That Mr. White, of Randolph, be allowed for ten days contesting seat of Mr. Brown, at \$3 00 per day.

That W. H. Dodd be allowed \$1,887 59, for printing Geological Reports.

That Elder, Harkness & Bingham be allowed \$477 36, as per bill filed, and agreement with the doorkeeper.

That W. H. Drapier be allowed the sum of \$600 00 for six hundred copies of the Brevier Legislative Reports of the proceedings of the present session, as per contract with the doorkeeper, made in pursuance of a resolution of the Senate.

That J. J. Bingham be allowed \$350 00, as per resolution of the Senate, for fifty copies of Gavin & Hord's edition of the Revised Statutes.

That Julius Boetticher be allowed the sum of \$87 48, for eight week's delivering of 162 copies of the Weekly Indiana *Volksblatt*, enveloped and stamped.

That R. Henninger be allowed \$77 76 for eight weeks' delivering of 162 copies of the Indiana *Free Press*.

Mr. Dickinson moved to strike out "that which relates to the recommendation for the allowance of W. H. Dils."

Mr. Johnson called up the special order for this hour, it being the  
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resolutions reported from the Committee on Elections, having reference to the contested election case of the Senator from Elkhart.

The question being on the adoption of the resolutions reported,

Mr. Johnson demanded a division of the question.

The question being on the adoption of the first resolution, which is as follows:

*Resolved*, That Charles L. Murray, the sitting member from the District composed of the counties of Elkhart and La Grange, is not entitled to the seat he now occupies.

The ayes and noes were demanded by Messrs. Claypool and Johnson, and being taken, resulted as follows: ayes 20, noes 22.

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Claypool,	March,	Teegarden,
Bearss,	Davis of Parke,	Moore,	White,
Beeson,	Dickinson,	New,	Williams,
Berry,	Grubb,	Pleak,	Wright, and
Blair,	Mansfield,	Reed,	Mr. President—20
Campbell,			

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Douglass,	Gifford,	McClurg,
Bradley,	Downey,	Hartley,	Marshall,
Brown of Wells,	Ferguson,	Hoagland,	Ray,
Cobb,	Finch,	Hord,	Wilson, and
Corbin,	Fleming,	Johnson,	Wolfe—22.
Davis of Cass,	Fuller,	Landers,	

So the resolution was rejected.

Mr. Johnson moved to lay the second resolution on the table, which resolution is as follows:

*Resolved*, That John H. Baker, from the District composed of the counties of Elkhart and La Grange, is entitled to a seat as Senator from this District.

The ayes and noes were demanded by Messrs. Bearss and Johnson, and being taken, resulted as follows: ayes 24, noes 17.

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Downey,	Hartley,	Marshall,
Bradley,	Ferguson,	Hoagland,	Moore,
Brown of Wells,	Finch,	Hord,	Ray,
Cobb,	Fleming,	Johnson,	Williams,
Corbin,	Fuller,	Landers,	Wilson, and
Davis of Cass,	Gifford,	McClurg,	Wolfe—24.
Douglass,			

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Browne of R.,	Grubb,	Reed,
Bearss,	Campbell,	March,	Teegarden,
Beeson,	Claypool,	New,	Wright, and
Berry,	Davis of Parke,	Pleak,	Mr. President—17
Blair,	Dickinson,		

So the resolution was rejected.

Mr. Claypool offered the following resolution, which was adopted:

*Resolved*, That when the work is completed in compiling the roll of honor and patriotic dead of Indiana, as contemplated by resolution of this General Assembly, that the same be published in book form, and sold by and under the direction of the State Librarian, at a reasonable profit, and that the proceeds of such sale, after defraying the expenses thereof, be appropriated to the use of the orphans of those who have fallen in the military service from the State of Indiana; such fund to be under the direction and control of the Governor, Auditor and Treasurer of State.

Mr. March offered the following:

*Resolved*, That a thousand copies of that part of the joint resolution which relates to the registry of deceased soldiers, be printed for the use of the State Librarian, in conveying information of said resolution to the soldiers and their friends. The same to be done in cheap form:

Which was adopted.

Mr. Hord from the Committee on Swamp Lands, made the following report:

MR. PRESIDENT:

The Committee on Swamp Lands, to whom was referred bill of the House No. 145, entitled "An act for the relief of George Arnold," together with two proposed amendments thereto, have had the same under consideration, and would beg leave to report as follows:

The said bill proposes to pay to the said Arnold, out of the treasury of State, the sum of fifty dollars, with interest, the amount paid by him for 40 acres of swamp land, sold by the State, the title to which has failed. One of the amendments referred proposes to extend the same relief to another party similarly situated. The other amendment proposes that the payment shall be made out of the Swamp Land fund, instead of the State Treasury. As several other cases of this kind exist, a general law is applicable and advisable, and a bill for that purpose has already passed the Senate, and is now pending in the House. If any further legislative business is transacted in that branch of the Legislature at this session, that bill will, no doubt, become a law; and the committee believe its provisions will extend to all cases of this kind. No amendment, therefore, to this bill, can be of any practicable use. But for the existing circumstances the committee would be inclined to recommend its indefinite postponement. As it is, however, the committee have deemed it advisable to report the same back to the Senate, without amendment and without recommendation, for its action.

On motion by Mr. Hord,

House bill No. 145 was read the third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Graves,	Marshall,
Blair,	Davis of Cass,	Grubb,	Moore,
Bradley,	Dickinson,	Hartley,	Pleak,
Browne of R.,	Douglass,	Hoagland,	Ray,
Brown of Wells,	Downey,	Hord,	Reed,
Campbell,	Finch,	Landers,	White,
Claypool,	Fleming,	McClurg,	Wolfe,

Cobb,	Fuller,	Mansfield,	Wright, and
Corbin,	Gifford,	March,	Mr. President—35

THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Berry,	Johnson,	Williams, and
Beeson,	Ferguson,	Teegarden,	Wilson—7.

So the bill passed.

Mr. Brown of Wells, from the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The Committee on Enrolled Bills would report that House bills Nos. 57, 78, 110, 142, and 147, were presented to His Excellency, the Governor, for his approval and signature, at 11 o'clock, A. M., March 6th.

Mr. White offered the following resolution, which was adopted:

*Resolved*, That the thanks of the Senate is hereby tendered to James H. Vawter, Secretary, Samuel R. Hamill, Assistant Secretary, Wm. H. Montgomery, Doorkeeper, and Bruce Shields, Assistant Doorkeeper, and to their assistants and employees, for the prompt and faithful manner in which they have discharged the duties of their various positions during the present session of the General Assembly.

Mr. Williams called up the pending report from the Committee on Finance, informally passed over a few minutes since.

The question being on Mr. Dickinson's amendment, striking therefrom the allowance to Wm. H. Dils,

Mr. Wolfe moved to lay it on the table.

The ayes and noes were demanded by Messrs. Dickinson and Wolfe, and being taken, resulted as follows:

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Douglass,	Hord,	White,
Blair,	Downey,	Johnson,	Williams,
Browne of R.,	Fleming,	Landers,	Wilson,

Campbell,	Gifford,	McClurg,	Wolfe,
Claypool,	Graves,	Mansfield,	Wright, and
Cobb,	Hartley,	Marshall,	Mr. President—26
Davis of Cass,	Hoagland,	Ray,	

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Brown of Wells,	Fuller,	New,
Bearss,	Corbin,	Grubb,	Pleak,
Beeson,	Davis of Parke,	March,	Reed, and
Berry,	Dickinson,	Moore,	Teegarden—17.
Bradley,	Ferguson,		

So the motion lies on the table.

Mr. Corbin moved to strike out all in the report which proposes to allow Messrs. Baker and White for services as contestants.

Mr. Wolfe moved to lay it on the table.

The ayes and noes were demanded by Messrs. Moore and Corbin, and being taken, resulted as follows :

## THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Parke,	Hartley,	Pleak,
Bearss,	Davis of Cass,	Hord,	Ray,
Beeson,	Dickinson,	Johnson,	Teegarden,
Berry,	Douglass,	Landers,	White,
Blair,	Downey,	McClurg,	Williams,
Browne of R.,	Fleming,	Mansfield,	Wilson,
Brown of Wells,	Fuller,	March,	Wolfe,
Campbell,	Gifford,	Marshall,	Wright, and
Claypool,	Graves,	New,	Mr. President—37
Cobb,	Grubb,		

## THOSE WHO VOTED IN THE NEGATIVE WERE—

Messrs.	Corbin,	Moore, and	Reed—5.
Bradley,	Ferguson,		

So the amendment was laid on the table.

Mr. Williams offered the following amendments, which were severally agreed to :



That Elder, Harkness & Bingham be allowed four hundred and seventy-seven dollars and thirty-six cents, as per bill filed and agreement with the Doorkeeper.

That W. H. Drapier be allowed the sum of six hundred dollars for six hundred copies of the Brevier Legislative Reports of the proceedings of present session, as per contract with the Doorkeeper, made in pursuance of a resolution of the Senate.

That J. J. Bingham be allowed three hundred and fifty dollars, as per resolution of the Senate, for fifty copies of Gavin & Hord's edition of the Revised Statutes.

Mr. Dickinson submitted the following protest, which was ordered to be spread upon the journal:

State of Indiana, in Senate of the General Assembly convened:

The undersigned do humbly and most earnestly protest against the allowance to William H. Dils, mileage and per diem for his attendance upon the present session, contesting the seat of Timothy R. Dickinson, the sitting member, for the following reasons, to-wit:

The said Dils presented a memorial and certificate as his credentials for a right to the seat in the following words, to-wit:

"To the Hon. President and members of the Senate of the State of Indiana now in session.

"The undersigned, your petitioner, respectfully represents that there being a vacancy in the office of State Senator from the district composed of the counties of Noble, De Kalb and Steuben, from and after the — day of August, 1862, occasioned by the present occupying member, Timothy R. Dickinson, having accepted on that day a lucrative office or appointment. That at the general election in October following your petitioner was duly elected to fill said vacancy, and herewith presents his certificate of election as such Senator.

"Your petitioner, therefore, prays that the seat of said Dickinson, who now occupies the same without any legal right thereto, be declared vacant and your petitioner be admitted and sworn in as Senator to fill said vacancy. As he will ever pray, &c.

"WILLIAM H. DILS."

"This certifies that by virtue of a certificate issued from the Clerk of the Circuit Court of De Kalb county, in the State of Indiana, and by said clerk delivered to me the sheriff of said county, I did, on Wednesday, the twenty-second day of October, 1862, proceed to the Court House of the oldest county (the same being the county of Noble), in this Senatorial District, for the purpose of meeting the sheriffs of the counties of Steuben and Noble, and then and there comparing the votes cast at the general election for said year, in said Senatorial district for the office of State Senator, and the sheriffs of said counties of Noble and Steuben not attending at said court house between the hours of one and six in the afternoon of said 22d of October, and it appearing by the certificate so issued and delivered to me as aforesaid, that William H. Dills has received the highest and greatest number of votes, to-wit: 1,406, cast in said Senatorial district, at said general election, for the office of Senator, I do therefore declare that said William H. Dils was duly elected Senator from said district, at said election, as appears by the certificate aforesaid.

Witness my official signature.

JAMES N. CHAMBERLAIN,  
*Sheriff of said DeKalb county, Indiana.*

These are all the reasons given or evidence adduced why mileage and per diem should be paid to Mr. Dils, while here contesting the case for a seat in this body as Senator from the district composed of the counties of Noble, DeKalb, and Steuben, which of itself, in the opinion of the undersigned, is wholly insufficient to entitle him to such claim, even if a vacancy or cause of vacancy did exist at the time of the last October election. Therefore, for the following reasons, the undersigned do most earnestly and solemnly protest against the allowance of said claim, to-wit:

1. That at the October election, in 1860, the office of Senator from the counties of Noble, DeKalb, and Steuben, in the General Assembly of said State, was duly filled by a qualified person, according to the forms and requirements of the Constitution and laws, who entered upon the duties thereof at the first session of said General Assembly.

2. No vacancy, or cause for a vacancy existed in said office at the October election, 1862.

3. If there was any vacancy in said office at said October election, in 1862, no person was duly elected to fill said vacancy, which has been heretofore and now hereto verified by the following deposition, to-wit:

Timothy R. Dickinson,	}	State of Indiana,
ads.		County of DeKalb.
William H. Dils.		Contested Election.

Deposition of James N. Chamberlain, taken before William M. Clapp, Judge of the Court of Common Pleas of the Nineteenth District, in said State, in the county of DeKalb, on the 20th day of January, 1863.

The said James N. Chamberlain being first duly sworn, according to law, deposes and swears as follows:

I commenced acting as the Sheriff of said county of DeKalb, in said State of Indiana, on the 22d day of November, A. D., 1860, and continued in said office, and doing the business of the same until the 11th day of November, 1862. On the 23d day of September, A. D., 1862, I received from the Clerk of the DeKalb Circuit Court, the precept marked "A," and hereto attached. In accordance with which I caused notices to be put up in the several townships in said county; notices of an election, of which the annexed, marked "B," is a copy. That I received no other precept from said clerk in regard to any election in October, 1862, except one for the election of County Auditor, which is marked "C," and attached hereto. That I received no precept from the said Clerk, or an authority in regard to any election of a State Senator in this county, nor did I give any notice of an election of any State Senator in this county, nor did I know of there being any vacancy in said office, or of there being any intention to vote for any person for such office, or that any votes had been given for any such, until six o'clock, P. M. on the day of the election. And I believe it was not generally known that any such officer was to be voted for at such election.

On Wednesday of the week following the October election, in 1862, I took the election returns of DeKalb county to the county seat of Noble county, Indiana, for the purpose of meeting the Sheriffs of Noble and Steuben counties, and with them count the votes in said counties for the office of State Senator, but the Sheriff of neither of said counties meeting me, I returned home. Afterward, some time in the latter part of December, A. D., 1862, and

more than a month after the expiration of my term of office of Sheriff of said county of DeKalb, at the request of William H. Dils, I signed my name to some statement in regard to said election, which was presented to me by said Dils, the exact language of which I do not now recollect, but I did not intend, by so doing, to declare him duly elected Senator, and so informed him at the time, but only intended to certify in regard to the certificate from the Clerk of DeKalb county.

JAMES N. CHAMBERLAIN.

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State of Indiana, County of Noble, set:

I hereby certify that the above named deponent was by me first duly sworn according to law, to testify the truth, the whole truth, and nothing but the truth, that the said testimony was by me reduced to writing, that the same was by me carefully read to him, after which he signed the same in my presence, and that the same was taken at the time and place above mentioned.

Witness my hand this 20th day of January, A. D., 1863.

WM. M. CLAPP,

Judge Court Com. Pleas, Nineteenth Dist. Indiana.

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State of Indiana, DeKalb county, ss:

To the Sheriff of said County, greeting:

You are hereby commanded to give due and lawful notice that an election will be held at the usual places of holding elections in the different townships in said county, on Tuesday, the 14th day of October, 1862, for the purpose of electing persons to fill the following offices to-wit:

One Secretary of State.

One Auditor of State.

One Treasurer of State.

One Attorney General.

One Superintendent of Public Instruction.

One Member of Congress for the Tenth Congressional District.

One Prosecuting Attorney for the Tenth Judicial Circuit.  
 One Prosecuting Attorney for the Nineteenth Judicial District.  
 One Representative.  
 One Sheriff.  
 One Surveyor.  
 One Commissioner for First District.  
 One Coroner.  
 And herein fail not.

Witness my hand and the seal of the Circuit Court, at  
 [SEAL.] my office in Auburn, in said county, this 22d day of  
 September, A. D., 1862.

JNO. RALSTON,  
*Clerk DeKalb Circuit Court.*

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## TO ELECTORS.

STATE OF INDIANA, }  
 DeKALB COUNTY, } ss.

Notice is hereby given to the qualified electors of Concord township, in said county, that an election will be held at the usual place of holding elections in and for said township, on Tuesday, the 14th day of October, 1862, for the purpose of electing persons to fill the following offices, to-wit:

1 Secretary of State; 1 Auditor of State; 1 Treasurer of State;  
 1 Attorney General; 1 Superintendent of Public Instruction;  
 1 Member of Congress for the 10th Congressional District; 1 Prosec-  
 uting Attorney for the 10th Judicial Circuit; 1 Prosecuting At-  
 torney for the 19th Judicial District; 1 Representative; 1 County  
 Auditor; 1 Sheriff; 1 Surveyor; 1 Commissioner for First Dis-  
 trict; 1 Coroner; 1 Assessor for each township.

Witness my hand at my office in Auburn, in said county, this  
 23d day of September, A. D. 1862.

JAMES N. CHAMBERLAIN,  
*Sheriff of DeKalb County.*



STATE OF INDIANA, }  
 DEKALB COUNTY, } ss.

*To the Sheriff of DeKalb County, Greeting:*

You are hereby commanded to give due and lawful notice that an election will be held by the qualified voters of the various townships in said county, at the usual places of holding elections, on the 14th day of October, A. D. 1862, (2d Tuesday,) to elect one person to serve as Auditor for said county; and herein fail not.

Witness my hand and the seal of the DeKalb Circuit  
 [SEAL.] Court, at my office in Auburn, in said county, this  
 24th day of September, 1862.

JOHN RALSTON, Clerk.

Came to hand September 23, 1862, at 8 o'clock, A. M.

JAMES N. CHAMBERLAIN, Sheriff.

STATE OF INDIANA, }  
 DEKALB COUNTY, } ss.

I, John Ralston, Clerk of the Court of Common Pleas in and for said county, certify that the Hon. William M. Clapp, whose name is signed to the foregoing deposition, was, at the date thereof, the acting Judge of the Court of Common Pleas, in and for said county, in the 19th district of said State; that his signature thereto is genuine, and full faith and credit should be given to all his acts as said Judge.

Witness the said Clerk and seal of said court, at Au-  
 [SEAL.] burn, in said county, January 21, 1863.

JNO. RALSTON, Clerk.

From which it appears, as well as by the claim by him presented, that his claim is a pretext without a cause.



4. That if the claim by him made has any color of right, other and different claims could be made with equal show of right, as the credentials by him presented was made by an ex-sheriff of a single county in said Senatorial district, and that after he had gone out of office.

5. For that the precedent thus set invites claimants to present themselves for the seats of every Senator holding over, provided they should do a single act, or perform a single service required by the Executive of the State, or any Federal officers of the United States, to have done or performed. For these, and other equally good and valid reasons, the undersigned beg leave to most earnestly and solemnly protest against the allowance of said claim, and do now here ask that this, our protest, be spread on the journal of said Senate.

T. R. DICKINSON.

Mr. Moore offered the following amendment, which was adopted:

That Julius Boetticher be allowed the sum of eighty-seven dollars and forty-eight cents, for eight weeks delivering of 162 copies of the Weekly Indiana Volksblatt, enveloped and stamped.

That R. Henninger be allowed \$77 76 for eight weeks delivery of 162 copies of the Indiana Free Press.

On motion by Mr. Williams,

The report was further amended by striking out 28, and inserting 40 days for Baker.

The resolution and committee report, as amended, was then adopted.

Mr. Claypool offered the following resolution, which was adopted.

*Resolved*, That Dickey Richards, Thomas Ryan, John Talbert, Orlando Cobb, and Henry B. Montgomery, are justly entitled to the thanks of the Senate for the ready, prompt, efficient, and willing manner in which they have severally discharged their duties as pages of the Senate.

Mr. Brown of Randolph offered the following report:

MR. PRESIDENT :

The special committee to which was referred the special message of His Excellency, the Governor, on the subject of the Indiana Arsenal, asking that some legislation be made by the present General Assembly, have had the same under consideration, and as it has become impossible to make any further effective legislation during the present session, they return the communication without any recommendation, and without proposing any measure of relief, for the reasons aforesaid.

On motion by Mr. Brown of Wells,

His resolution, offered last night, was made the special order for 2 o'clock this afternoon.

On motion by Mr. Davis of Cass,

The Senate adjourned.

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1½ O'CLOCK, P. M.

The Senate met.

Mr. Graves submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Banks, to whom was recommitted the memorial of D. R. Martin, in relation to the Lawrenceburgh Branch of the Bank of the State of Indiana, have had the same under consideration, and beg leave to report that they have examined into the matters of complaint embraced in the said memorial, and are of opinion that it is inexpedient to appoint an examiner to examine said Branch; therefore they ask to be discharged from the further consideration of the subject.

The Committee on Military Affairs, to whom was referred the following resolution of the Senate :

WHEREAS, There was raised by the sale of the Sutler's stands at "Camp Dick Thompson," near Terre Haute, about \$3,080 00, during the organization of regiments at this camp; and

WHEREAS, Large sums was raised by the sale of Sutler's stands at the various camps throughout the State, by the person in command of the same during the organization of regiments in the year 1862; therefore,

*Resolved*, That the Military Committee be instructed to inquire into the several amounts so raised at the several camps, and whether the sums so raised have been accounted for to the proper authorities, have had the same under consideration, and have procured the testimony of Hon. Richard W. Thompson, which appears to elicit the facts :

Hon. Richard W. Thompson being sworn, testified that he had received the following sums of money, while acting as commandant of the Military Camp at Terre Haute.

From R. R. Sibley, Sutler's License, 71st Regiment.	\$726 00
From M. Hughes, " " 85th "	1005 00
From S. French, " " 97th "	1165 00
Sale of Lumber, (proceeds on hand,) .....	525 00

Of this sum he paid out as follows :

For rent of Camp Ground .....	\$75 00
For putting up Barracks, about, (there is a balance due) .....	200 00
For Drum Major and his Assistants, in the neighborhood of. ....	300 00
For Medicines, (unpaid, probably \$340,) .....	\$60 or 70 00
For Hospital Stores, (amount not remembered) ....	
For Supplying Soldiers and their lodging at night..	
For Straw, \$1 50 or \$2 00 a load according to circumstances .....	

These are all the charges, according to his judgment, against the Sutler's Fund. He has a list at home and can show an account

for every dollar of money. There may be charges against the fund of over \$1,500 00. Some are so exorbitant that he will not allow them. But there are some bills, amounting to four five hundred dollars, that must be paid. In one instance, the barracks were burned and two companies thus thrown out of doors, during a time of snow, when they were marched to town and lodged in the hotels.

He supposed there was a balance of six or seven hundred dollars on hand; he could tell precisely if he were at home. Whatever balance of the post fund is left will be turned over to the different regiments, in due proportion.

His purpose has been to have as many of these bills paid by the U. S., as the U. S. will recognize.

Mr. Johnson submitted the following:

MR. PRESIDENT:

The Committee on Agriculture, to whom was directed the resolution of the Senate, inquiring whether further legislation is necessary for the better protection of sheep, have had the same under consideration, and have directed me to report that, in the opinion of the committee, owing to the present high prices of cotton and cotton goods, that the wool-growing interest in this State is deserving of Legislative attention, to more fully protect sheep against dogs, but owing to the shortness of time before adjournment of the present session of the Legislature, and the difficulties that has existed in the other end of the Capitol, for the last ten or twelve days, the committee has deemed it useless to introduce a bill on the subject, and recommend that the resolution lie on the table, and that the committee be discharged from the further consideration of the subject.

Mr. Johnson submitted the following report, which was concurred in:

MR. PRESIDENT:

The Committee on County and Township Business, to which was directed resolution of the Senate, inquiring into the expediency of so changing the laws compensating the officers of Boards of Elections, so that the said officers shall draw their pay from the civil fund of the Township, have had the same under consideration

and have directed me to report that, in the opinion of the committee, further legislation is inexpedient at this time, and that the resolution lie on the table.

Mr. Johnson submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on County and Township Business, to which was referred the accompanying resolution, have had the same under consideration, and have directed me to report the same back, and recommend that legislation is inexpedient, and that the resolution lie on the table.

*Resolved*, That the Committee on County and Township Business inquire into the expediency of amending the twelfth section of an act to provide for a general system of Common Schools, so as to compel the direction of each school house to take the enumeration of the children within their respective districts, in the place of the Township Trustee, and report by bill or otherwise.

Mr. Reed submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred a petition from sundry citizens of Rush county, praying the passage of an act permitting incorporated towns to compel turnpike companies to grade and gravel the streets of the said incorporated town, through which the said turnpike should be located, have had the same under consideration; and direct me to report the same back to the Senate, with the recommendation that it lie on the table.

Mr. Douglass submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 166, have had the same under consideration, and instruct me to report the bill back, and recommend its passage.

MR. PRESIDENT :

The Committee to whom was referred Senate bill No. 61, introduced by the Senator from Henry, to repeal an act entitled an act in relation to witnesses, and to repeal section 238 of article thirteen of the act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms, in civil cases, in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force, have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that it lie on the table ;

Which was concurred in.

Mr. Ray submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee to whom was referred Senate bills Nos. 144, 132, 113, 128, 148, 174, 116, 161, 25, 120, 84, 175, 177, 149, 36, 118, 115, 12, 157.

Also,

House bills Nos. 29, 62, 58, 85, 49, together with the accompanying resolutions of inquiry, have had the same under consideration, and have instructed me, for want of time to more fully consider the same, to report the same back without any recommendation in relation thereto.

On motion by Mr. Ray,

The bills accompanying this report were laid on the table.

Mr. March offered the following resolutions, which were adopted :

*Resolved*, That the Attorney General, while investigating the subject of illegal and improper payments of money out of the public treasury, under the joint resolution of the General Assembly, be directed to examine the following questions :

1st. Whether the salary act, approved March 5, 1859, does not repeal and render inoperative so much of the fifty-fifth section of



the general banking law as allows the payment annually out of the State Treasury of a salary of fifteen hundred dollars to the Auditor and of eight hundred dollars to the Treasurer of State.

2d. Whether the Supreme Court has in any deliberate opinion put a construction upon the effect of the salary act, in the above section of the general banking law.

*Resolved*, That in case the Attorney General arrives at the conclusion that any money has been illegally paid out of the State Treasury to any officer or person under said section of the banking law since the passage of the said salary act of March 5, 1859, he is hereby required and directed to bring an action to recover the same back.

*Resolved*, That a copy of this resolution be delivered by the Secretary of the Senate to the Attorney General.

Mr. Browne of Randolph called up his resolutions offered last night.

Mr. Moore made an ineffectual motion to strike out "five" and insert "three."

On motion by Mr. Browne of Randolph,

His resolution was amended by inserting in the proper place these words:

"If an appropriation has been or shall be made."

The resolution, as amended, was then adopted.

Mr. Johnson offered the following report, which was concurred in:

MR. PRESIDENT :

The Committee on County and Township Business, to which was referred Senate bill No. 139, have had the same under consideration, and have directed me to report the same back and recommend that it lie on the table.

Mr. Johnson offered the following report, which was adopted :

MR. PRESIDENT :

The Committee on Agriculture, to which was referred Senate

bill No. 86, have had the same under consideration, and have directed me to report the bill back and recommend that it lie on the table.

Mr. Bradley called up the majority report of the Committee on Federal Relations, in reply to the memorials of the soldiers of Indiana in the Army of the United States.

On motion by Mr. Bradley,

The report of the majority was adopted, and five thousand copies of the majority and minority reports were ordered to be printed.

Mr. Wolfe made the following report:

MR. PRESIDENT:

The Judiciary Committee to which was referred Senate bill No. 145, introduced by Mr. Blair, have had the same under consideration, and have directed me to report the same back and recommend that the same pass.

On motion by Mr. Wolfe,

The bill was laid on the table.

Mr. Wolfe made the following report, which was concurred in:

MR. PRESIDENT:

The Committee on the Organization of Courts, to which was referred Senate bills Nos. 9, 53, 64 and 94, report the same back with a recommendation that the same lie on the table, for the reason that there is no time to pass the same.

Mr. Johnson made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to which was referred Senate bill No. 55, have had the same under consideration, and have directed me to report the bill back and recommend that it lie on the table;

Which was concurred in.

Mr. Wilson submitted the following report:

MR. PRESIDENT :

The Committee on Claims, to whom was referred the following claims to-wit :

- Of John W. Whitmore & Co.;
- Of James Morrison, and Charles A. Ray ;
- Of James Campbell ;
- Of the Bartholomew County Agricultural Society ;

Have had the same under consideration, and directed me to report the same back, for the reason that the committee have not had time to give them the requisite examination. They therefore ask to be discharged from the further consideration of the same ;

Which was concurred in.

Mr. Johnson submitted the following report, which was concurred in :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred the petition of L. B. Lewis, of Ohio county, and others, praying a change in the law on the subject of the weight of stone coal, have had the same under consideration, and inasmuch as there has been a bill passed the Senate on the subject, have directed me to report the same back, and recommend that it lie on the table.

Mr. Finch, from the committee on Roads, returned Senate bill No. 173, recommending that it lie on the table for want of time.

The report was concurred in.

On motion by Mr. Claypool,

The chairmen of the various committees were authorized to hand in their various reports to the Secretary of the Senate without any further action of the Senate.

Mr. Douglass handed in the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bills Nos. 7 and 105, and accompanying memorial, have not had any action concerning them, and at this late day in the session, think it

inexpedient to consider their merits or demerits; they are therefore returned to the Senate with the recommendation that they lay on the table.

Mr. Brown of Wells made an ineffectual motion to reconsider the vote of last night reducing the claim for raising the flag on the dome of the Capitol from \$75 to \$25.

On motion by Mr. March,

The following Messages from the Governor were read, and ordered to be spread on the journal:

*To the Senate of the State of Indiana:*

I have received two resolutions from your Honorable Body, requesting me to report the arrears of pay due the soldiers of the State of Indiana, and the amount required to pay them monthly in the future, and now have the honor to submit the following reply:

It is believed that the Indiana troops have been paid up to the 31st day of October last. The estimated amount of pay due for the two months ending December 31, 1862, is \$2,000,000, and for the two months ending February 28, 1863, \$2,000,000. The amount required every two months, (that being the regular period of muster for payment,) is \$2,000,000, being \$1,000,000 per month.

The delay in furnishing this information was occasioned by having to confer with paymasters and other officers of the army, so as to enable me to make the proper estimates.

O. P. MORTON,  
*Governor of Indiana.*

STATE OF INDIANA,  
EXECUTIVE DEPARTMENT,  
*Indianapolis, March 2, 1863.*

MR. PRESIDENT:

I have received from the Governor of Illinois the following resolutions passed by the Legislature of that State, in relation to enlarged facilities of transportation between the great lakes and the Atlantic coast and Europe, which I herewith transmit and lay before your honorable body.

O. P. MORTON,  
*Governor of Indiana.*

## ILLINOIS LEGISLATURE.

*Joint Resolution in relation to enlarged facilities of transportation between the Great Lakes and the Atlantic Coast and Europe, adopted unanimously by the Senate and House of Representatives of the State of Illinois, the 14th day of February, 1863.*

WHEREAS, It is of the first importance to the great producing States of the Northwest, interested in the transportation of their various productions to the seaboard and to Europe, by the way of the great lakes and the rivers and canals connecting those lakes with the Atlantic Ocean, to secure to themselves the most enlarged and liberal avenues of communication possible, without reference to the fact whether such avenues are furnished by their own or another Government, provided they secure to said States and their people the greatest value for their productions at home, by transporting them to the markets of the world at the least cost and expense.

AND WHEREAS, From the recent action of the Congress of the United States, under a combination of circumstances as urgent as it is probable can ever again be brought to bear upon the question, that body declined to aid in opening such enlarged facilities as the necessities of the great food-producing West so imperiously demand;

AND WHEREAS, The capacity of these Northwestern producing States in the single staple, never failing and cheaply grown crop of Indian corn or maize, can scarcely be estimated, and would soon amount to hundreds of millions of bushels per annum, were enlarged and consequently cheap means of transportation provided, securing at once an income for the outlay, and a profit to the producer and consumer at home and abroad, and developing at the same time mines of wealth in our broad prairies, equal to the greatest happiness and desires of those who inhabit them;

AND WHEREAS, The rivers and canals of Canada can readily be improved and adapted to the most liberal means of transportation from the Western States to the Atlantic Ocean, and with mutual advantage to the constructor of such avenues, and all having occasion to avail themselves of them; furnishing, at the same time, the means of avoiding in a good degree, the heavy tolls and charges

that now so enrich the State of New York, at the expense of the Western farmer.

*Be it therefore resolved by the Senate of the State of Illinois, the House of Representatives concurring herein,* That a State committee of five citizens of the State, be appointed by the Governor, with full power and authority on behalf of this State, to petition, or to proceed personally to the Provincial Government and Parliament of Canada, and to the Government of Great Britain, if deemed by them advisable, for the purpose, in any proper manner, of respectfully presenting to those Governments the statistics of production and trade of the Western States, seeking enlarged and cheaper outlets to the East and to Europe, for their products by the way of the lakes and of the rivers, and new or enlarged canals of Canada; and to respectfully solicit from said Governments all proper consideration and action upon a subject of such great and rapidly growing importance to them, as well as to the Western States, interested in such enlarged facilities of intercourse with the Atlantic ports and with Europe.

*Resolved,* That our neighboring States similarly interested, be, and are hereby respectfully invited to appoint like State committees to act and co-operate with the committee hereby appointed for the attainment of the objects herein set forth; and that the Governor be and is hereby requested, to send copies of this joint resolution and invitation to each of the States so interested, and to our Senators and Representatives in Congress, and to furnish an authenticated and official copy of the same to the committee hereby appointed, and that the preceding preamble and resolutions be printed for the greater convenience of so doing.

STATE OF INDIANA,  
EXECUTIVE DEPARTMENT,  
*Indianapolis, February 20, 1863.* }

*To the Senate of the State of Indiana :*

I had the honor to receive a resolution adopted by your honorable body, which is in the words following, to wit:

*Resolved,* That the Governor be respectfully requested to transmit to the Senate a detailed statement of proceedings had in pursuance of an act entitled "An act to provide for the defense of the



State of Indiana, to procure first-class arms, artillery, cavalry and infantry equipments and munitions of war, making the necessary appropriations therefor, and authorizing the Governor to borrow money," approved April 1, 1861, showing who were authorized as agent or agents, to make purchases for the State under said act, the compensation of such agent or agents, including the expenses for travel, transportation, &c., the number, character and price of arms, equipments and munitions purchased, and a statement in detail of the disposition made by the same, specifying the number and amount transferred to and paid for, by the Federal Government, the number and amount distributed to the militia of this State, and yet in their hands, and the number and amount now in possession of the State, together with the amount of money borrowed, and the terms of such loan or loans, as authorized by said act.

It will be seen that this resolution is very comprehensive in its terms, embracing the purchase and distribution of State arms, the arming of the Indiana Legion, the operations of the State arsenal, and the disposition of ammunition therein prepared, the number and compensation of agents appointed to purchase arms, and the amount of money borrowed for that purpose.

The arms, including artillery, purchased by the State, were placed in the hands of Indiana troops mustered into the service of the United States, and their cost and expenses of purchase and transportation charged up to the United States.

The arms purchased by the State were of the first class and best quality, and it was due to our gallant soldiers, and important to the honor of the State, and the interest of the nation, that they should be put into the hands of men going into the field.

The arms that have been distributed to the Indiana Legion, and those now on hand in the State armory, were not purchased by the State, but are the property of the United States.

The agents appointed to purchase arms were Calvin Fletcher Esq., Miles J. Fletcher Esq., and the Hon. Robert Dale Owen, and John A. Bridgeland.

For an account of the purchase of State arms, and compensation of agents, and disposition made of them, distribution of arms to the Indiana Legion, ammunition prepared at the State arsenal, and disposition made thereof, number and quality of arms remaining in the armory, and amount of money borrowed under said act, your honorable body is respectfully referred to the reports of Quarter Master General Stone, Chief of Ordnance Col. Sturm, and the

Hon. Robert Dale Owen, Miles J. Fletcher, the report of the Loan Commissioners heretofore transmitted, and other documents sent herewith.

In regard to the principal loan made for the purchase of arms, the following extract from a former message will fully explain:

"In the months of August and September last, the rebel army entered Kentucky, and the war was brought to our very border; the Ohio river was low, and could be forded in many places by cavalry, and even infantry, and the peace of the State was seriously threatened. In this emergency, I believed it to be my duty to purchase ten thousand superior arms, for the use of Indiana troops, and I sent an agent to New York, who succeeded in purchasing that number, of the first quality, at fair prices. Mr. D. R. Martin, President of the Ocean Bank, without requiring any security, and upon the credit of the State, advanced the money to pay for them, in all \$237,269 30. Shortly after the purchase of the arms, the rebel forces were driven from Kentucky, the tide of war flowed back from our borders, and the danger so seriously threatening the State passed away. At that time we had in the State about 8,000 troops preparing for service, but who were unarmed, and no arms had been provided for them at all proper to be taken to the field. I therefore put these arms in their hands upon a special agreement of the Government to pay for them at once. There was a delay of a few weeks in getting the warrant through the Departments at Washington, but the Government has now paid the principal, but not the interest; the officers of the Treasury alleging the want of authority to pay the interest."

The report of Quarter Master General Stone, will show that only 953 guns have been issued within the last six months, to counties not bordering on the Ohio river, and these guns have been issued to companies regularly organized under the law and upon requisitions made. All arms distributed to the Legion have been issued for the general defense and security of the State.

O. P. MORTON,  
*Governor of Indiana.*

A message from the House.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has accepted the following proposition of Jacob Vandegrift, to lease

the Northern State Prison, and respectfully request the concurrence of the Senate.

*To the General Assembly of Indiana :*

The undersigned proposes to the General Assembly of the State of Indiana, to lease the Northern State Prison, at Michigan City, for the term of four years, upon the following terms :

The undersigned will agree to take said prison for the above term, to furnish guards, medical attendance, board and clothing to the prisoners, and to pay the State the sum of \$2,000 00 per annum, for the lease of the prison and prisoners, provided a contract be granted him for work upon the new prison at the following prices hereinafter named. See Exhibit "A." Work to be done according to plans and specifications.

The State to furnish Warden, Deputy Warden, Superintending Architect and Clerk.

JACOB VANDEGRIFT.

Indianapolis, January 26, 1863.

EXHIBIT A.

Brick in wall, above 15 feet, per M. ....	\$8 00
Ornamental brick work, per superficial foot. ....	20
Rubble stone work, per cubic foot. ....	20
Pointing joints above grade, per superficial foot. ....	15
Dressed or cut stone work, per superficial foot. ....	65
Ornamental stone work on towers, per superficial foot. ....	75
Plastering, for each coat, per square yard. ....	08
Drain and flues in wall, per lineal foot. ....	17
Sewers, per lineal foot. ....	1 75
Joist and rafter framing, per lineal foot. ....	03
Timber framing, per lineal foot. ....	30
Pugging and laying floors, per square yard. ....	3 30
Wrought iron work, per lb. ....	13
Cast iron work, per lb. ....	06
Door and window frames, each. ....	11 00
Doors, each. ....	7 00
Flooring, per square. ....	3 75
Sash, per light. ....	16

Glass per light in sash.....	32
Stairs in hospital, chapel, Warden's dwelling, and guard house, per flight.....	80 00
Stairs in workshop and sentry tower, per flight.....	25 00
Painting, each coat, per square yard, (furnish all materials,)	10
All lead work, per lb.....	22
Cement, per bbl.....	2 00
Gutters, per superficial foot.....	90
Conductors, per superficial foot.....	50
Lumber, all kinds, board measure, per M.....	19 00
Bowls for water closets, each.....	3 50
Urinals for water closets, each.....	2 25
Basins, each.....	2 00
Bath tubs, complete, each.....	12 00
Ventillating registers.....	3 50
Speaking tubes, per lineal foot.....	18
Slate roofing, per square.....	17 00

A message from the House by Mr. Whitelsey, clerk thereof.

MR. PRESIDENT :

I am also directed to inform the Senate that the House has passed the following concurring resolution, to-wit :

*Be it resolved by the House, the Senate concurring,* That the Attorney General be instructed to sue, in the name of the State, for any money drawn from the State Treasury, and appropriated by the person drawing it to a purpose not contemplated by the act of appropriation, or that has been paid to any person for the benefit of the State for advances of money or property made to the General Government by the State, and has not been paid into the State Treasury by such person ;

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. March,  
The resolution was laid on the table.

The President announced the select committee on investigation, authorized by the resolution introduced by Mr. Brown of Wells, to consist of Senators Brown of Wells, Cobb, and Claypool.

On motion by Mr. March,

House bill No. 128, a bill authorizing Recorders to demand fees in advance,

Was read a third time.

The question being, shall the bill pass?

THOSE WHO VOTED IN THE AFFIRMATIVE WERE—

Messrs.	Davis of Cass,	Gifford,	New,
Beeson,	Dickinson,	Graves,	Pleak,
Blair,	Douglass,	Hoagland,	Ray,
Bradley,	Downey,	Johnson,	White,
Browne of R.,	Ferguson,	McClurg,	Williams,
Brown of Wells,	Finch,	Mansfield,	Wolfe,
Claypool,	Fleming,	March,	Wright, and
Cobb,	Fuller,	Moore,	Mr. President—33
Davis of Parke,	Gaff,		

Two voting in the negative—Messrs. Bearss and Teegarden.

So the bill passed.

House bill No. 87, a bill defining what shall constitute an assault, and prescribing the punishment therefor,

Was read a third time.

On motion by Mr. Graves,

The vote adopting the Senate amendment thereto, was reconsidered.

On motion by Mr. Claypool,

The Senate took a recess until 8 o'clock this evening.

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8 o'clock, P. M.

Senate met.

Mr. New offered the following, which was adopted:

*Resolved*, That Senators Wolfe and Browne of Randolph be added to the committee raised by the resolution of the Senator from Wells, to investigate the Quartermaster's, and other departments, and expenditures.

Mr. New offered the following, which was adopted :

*Resolved*, That James H. Vawter, Principal Secretary of the Senate, and Samuel R. Hamill, Assistant Secretary of the Senate, be each allowed sixty-one dollars for extra services as said Secretaries, to be paid out of the legislative fund already appropriated by this General Assembly. This allowance includes all sums voted to said Principal and Assistant Secretaries, except for indexing the Journals, and making a list of the titles of bills introduced, &c., and their per diem of \$3, which is not to be affected by this resolution.

Mr. McClurg offered the following, which was adopted :

*Resolved*, That the appointees of the Principal and Assistant Secretaries of the Senate each be allowed a sum not exceeding the sum of sixty-one dollars each, the amount to be certified by said Secretaries, and attested by the President of the Senate, as extra services, this allowance being in lieu of all other allowances, except the three dollars per diem.

Mr. Bradley made an ineffectual motion to adjourn.

Mr. Browne of Randolph offered the following, which was adopted :

*Resolved*, That all documents ordered to be printed for the use of the Senate during the present session, not delivered, be procured from the State Printer by the State Librarian, and deposited in the Library, subject to the order of each Senator, to the extent of such Senator's equal proportion, and that a copy of this resolution be furnished the Librarian and the State Printer.

Mr. Bradley offered the following, which was adopted :

*Resolved*, That William H. Montgomery, Doorkeeper, and Bruce Shields, Assistant Doorkeeper, be allowed thirty dollars and fifty cents each for extra services, and that their employees be each allowed not exceeding the sum of thirty dollars and fifty cents



each for extra service, said extra services to be ascertained and certified by the President of the Senate, this includes all former allowances except their regular per diem of three dollars.

On motion by Mr. Claypool,

A call of the Senate was ordered, and being taken, the following Senators answered to their names:

Messrs.	Browne of R.,	Downey,	McClurg,
Bearss,	Claypool,	Ferguson,	New,
Beeson,	Corbin,	Gaff,	Reed,
Berry,	Davis of Parke,	Gifford,	Teegarden,
Blair,	Davis of Cass,	Graves,	White, and
Bradley,	Dickinson,	Johnson,	Wright—24.

On motion by Mr. Corbin,

The Senate adjourned.

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MONDAY, 8½ o'clock, A. M., }  
March 9, 1863. }

Senate met.

On motion by Mr. New,

The reading of the Journal was dispensed with.

Mr. Graves offered the following resolution, which was adopted:

*Resolved by the Senate,* That the Secretary of State be, and is hereby authorized and required to have printed 2,500 copies each of the school and road laws of this State, at the earliest practicable period, and distributed to the several County Auditors.

Mr. McClurg offered the following, which was adopted:

*Resolved,* That the Senator from Monroe and the Senator from Marion shall constitute the Auditing Committee raised by the con-

current resolution offered by the Senator from Randolph, the Senator from Randolph declining to serve on the committee.

Mr. Gifford offered the following, which was adopted :

*Resolved*, That the State Librarian be directed to take charge immediately upon the adjournment of the Senate, of all books, documents, thermometers, baskets, pitchers, and every other article which this Senate has purchased for its use, and preserve the same until they are needed, at the next session of the General Assembly.

Mr. March offered the following, which was adopted :

*Resolved*, That William B. Ogle, clerk of the Committee on Finance, be allowed thirty-six dollars for extra services during this session; and that B. F. Wallace be allowed fourteen dollars for extra services rendered during the present session.

Mr. Williams offered the following, which was adopted :

*Resolved*, That Joseph J. Bingham, State Printer, be allowed the sum of twelve thousand dollars for printing done on order of the Senate; the account of which work shall, before the money is allowed, be filed in the office of the Secretary of State, and by him certified to be correct, to be paid out of the Legislative Fund.

Mr. Fleming offered the following, which was adopted :

WHEREAS, The seat of the Senator from Dubois (Mr. Shoulders) was vacated by his death on the — day of January last; be it, therefore,

*Resolved*, That the widow of Senator Shoulders is entitled to receive three dollars per day as per diem allowance, from the time of his death to the end of the session, and that the Senator from Dubois (Mr. Fleming) is hereby authorized to draw the money, and receipt for the same, and pay it over to the widow of Senator Shoulders.

Mr. Johnson offered the following concurrent resolution in reference to fraudulent five per cent. Indiana certificates of stock :

*Be it resolved by the Senate, the House concurring therein*, That the Governor, Auditor and Treasurer of State are hereby author-

ized to appoint a Commissioner, with full power to investigate the condition of the fraudulent certificates of Indiana five per cent. stocks yet outstanding, and procure their surrender and cancellation, by entering suit in the name of the State of Indiana against the holder or holders thereof, or otherwise; but said Commissioner shall not be authorized, under any contingency, to acknowledge that the above certificates are in any manner binding upon the State, or as constituting any part of its indebtedness, or to pay any sum of money on a compromise, to procure their cancellation.

Which was adopted.

On motion by Mr. Ferguson,

The House resolution in reference to the Northern Prison was laid on the table.

Mr. Marshall offered the following, which was adopted:

*Resolved*, That the Secretary of the Senate be and he is hereby instructed to give a certificate of service to Howard Coe, Engrossing Clerk, up to Monday, March 2, 1863.

Mr. Gifford offered the following resolution, which was adopted:

*Resolved*, That the Secretary of State be authorized to procure and send to each member of the Senate, and to the officers and reporters thereof, two copies of the Legislative Brevier Reports, also two copies each of the Senate and House Documentary Journals, and two copies of the acts of the present session, all to be bound in full sheep.

Mr. White moved to reconsider the adoption of the resolution giving allowance to Mr. Coe.

Which was agreed to.

On motion by Mr. New,

The resolution was amended as follows:

Strike out "to March 2," and insert "the time during which he acted and served as such clerk."

The resolution as amended was adopted.

Message from the House, by Mr. Whittlesey, clerk thereof

MR. PRESIDENT :

I am directed to inform the Senate that the House has concurred in the resolutions of the Senate, raising an Auditing Committee, with the following amendment, to-wit :

Insert, in the proper place, after the words "military purposes," "excepting the Governor's Military Contingent Fund."

The amendment was concurred in by the Senate, on motion of Mr. New.

Mr. New offered the following resolution :

*Resolved*, That the State Printer be directed to print of the Acts and Journals of the present General Assembly and the Documentary Journals, the number provided by law.

A message from the House, by Mr. Whittlesey, clerk thereof :

MR. PRESIDENT :

I am directed to inform the Senate that the House has concurred in the resolution of the Senate, without amendment, empowering the Governor, Auditor and Treasurer of State, to appoint a Commissioner with power to investigate the condition of the fraudulent issues of Indiana stocks, and to provide for the surrender and cancellation of the same by entering suit, in the name of the State of Indiana, against the holder or holders of such stocks, or otherwise ; and prohibiting the acknowledgment of the validity of said fraudulent issue of stocks by any act of said Commissioner.

Mr. Ferguson offered the following resolution :

*Resolved*, That a committee of two on the part of the Senate be appointed to act with a similar committee on the part of the House, to wait on the Governor, and ascertain if he has any further communication to make to the General Assembly.

Mr. Browne of Randolph offered the following, which was adopted :

*Resolved*, The Senate having finished its business, that the Senate adjourn at 12 o'clock, M., to-day, and that the House be informed of the passage of this resolution.

A message from the House:

MR. PRESIDENT:

I am directed to inform the Senate that the House has concurred in Senate Resolution to appoint a committee to wait upon the Governor, to ascertain if he has any further communication to make to this General Assembly, and the Speaker has appointed Messrs. Puett and Griffith on said committee on the part of the House.

The House has also concurred in Senate Resolution that this General Assembly adjourn at 12 o'clock, M., this day.

I am also directed to inform the Senate that Messrs. Niblack and Kilgore have been appointed as members of the Auditing Committee on the part of the House, and Mr. Speaker Buskirk has been added thereto as the third member of said committee on the part of the House by a Resolution of the House.

Mr. March submitted the following report:

MR. PRESIDENT:

The undersigned, together with Hon. Allen Hamilton, of the Senate, and Hon. James C. Veach, of the House, were, by joint resolution of the General Assembly, at its last session, appointed a committee to investigate and report upon the fiscal affairs of the State with power to examine the books, vouchers, and other papers in the several offices thereof, and with directions to report to the Governor, or to this General Assembly, so soon as the work should be completed. Having discharged the duties assigned them as fully as the condition of public affairs, and the great and all absorbing events through which we have been passing would permit, the committee ask leave to submit the following report:

A meeting of all the members of the committee was held at Indianapolis, in the month of ———, 1861, at which David C. Branham and Thomas Gifford of the House, and Walter March of the Senate were appointed to examine the affairs of the office of Agent of State. On account of other pressing public duties, Mr. Branham was unable to be present during the time agreed upon for the examination of the office of Agent of State. The other two members met at that office in the city of New York, on the 26th of August, 1861, and spent several days in examining its books, papers, and methods of business. Every attention and



courtesy was shown them by the Agent, Colonel Hudson, and his clerk Mr. Gapin, and a commendable alacrity and zeal manifested in aiding the committee in their investigations. So far as the committee could judge from their limited opportunities, the books seem well and attentively kept, upon the plan adopted previous to the term of the present incumbent.

The important fact in connection with the office seemed to be to ascertain if possible the number of bonds outstanding for which the State is liable.

The office of Agent of State was created by act of the Legislature of January 28, 1842, abolishing the office of Fund Commissioner.

The duties previously performed by the Fund Commissioner were assigned to the Agent of State, "except that he had no power to execute, sell, deliver or hypothecate State bonds, for any purpose;" he was also authorized to take charge of the suspended debt of the State.

Mr. Michael G. Bright, the first incumbent of the office, made to the General Assembly, at its session of 1842-3, a long report of the result of his investigations in relation to the number of bonds issued and sold, the price sold for, and the amount of the suspended debt. Senate and House documents 1842-3.

Owing to the manner in which the bonds of the State were numbered and issued, and the records of the transactions of the Fund Commissioners had been kept, Mr. Bright, even at that early day, after long and laborious research, "was unable to make up a satisfactory bond account," and yet this report has been the main source of reference and information in all investigations.

In the opinion of the committee, it is impossible, at this time, to ascertain, with certainty the number of bonds issued and placed in market. The number of bonds authorized to be issued is easily ascertained, by reference to the several acts of the Legislature directing their issue; but it is well known, also, that the whole number authorized to be issued were not sold by the Fund Commissioners for the benefit of the State.

The several acts authorizing loans, and under which the bonds were issued, are as follows:

1. Act of 9th January, 1832, providing means for the construction of the Wabash and Erie Canal, authorized a loan of \$200,000.



2. Act of 28th January, 1834, establishing a State Bank, was construed to authorize a loan of \$1,390,000.

3. Act of 1st February, 1834, providing means for the construction of the Wabash and Erie Canal, authorized a loan of \$400,000.

4. Act of 6th February, 1835, providing for the further prosecution of the Wabash and Erie Canal, and for other purposes, authorized a loan of \$227,000.

5. Act of 27th January, 1836, to provide for a general system of internal improvements, and for finishing a portion of the Wabash and Erie Canal, authorized a loan of not exceeding \$10,500,000.

6. Act of 17th February, 1838, to reimburse the State Bank for fourth installment of Surplus Revenue, loaned by the State, authorized a loan of that amount, \$294,000.

7. Act of 19th February, 1838, to provide for finishing a portion of the Wabash and Erie Canal, authorized a loan of \$400,000.

8. Act of February 6, 1839, making additional appropriations for the Madison and Lafayette Railroad, was construed to authorize a loan of \$456,000.

9. Act of February 12, 1839, providing for the increase of the stock in the State Bank, authorized a loan of \$5,000,000.

10. Act of 13th February, 1841, to provide for the appointment of a Fund Commissioner to collect the suspended debt of the State, authorizes a loan for the payment of interest, the bank debt, and the redemption of Treasury notes, not otherwise provided for.

In the report of Mr. Bright, before referred to, the whole number of bonds issued under these various acts, is stated to be 14,900.

In a report made to the joint committee of the Senate and House, of the session of 1859, by John H. Rea, Esq., who gave several months to the examination of this matter, the whole number of bonds issued is stated to be 15,140, making a difference in the two reports of 230 bonds.

The discrepancy is made up, in part, of thirty Wabash and Erie Canal bonds, which are supposed to have been illegally issued, though by whom, with what motive, or for what purpose, does not

appear; and in part by two hundred 7 per cent. bonds, issued for the payment of interest.

No explanation is given of this discrepancy, nor has any been suggested to the committee, except that one report may include the whole number of bonds prepared, as shown by the register, and the other only those actually delivered.

The number of legal bonds outstanding, uncanceled, is stated in the last report of the late agent, to be three hundred and eighty-seven. This may be the correct number, and may not. Illegal bonds have undoubtedly got into circulation, and some of them may have been presented and cancelled by the agent of State, without their illegality being discovered. In the opinion of the committee, the only protection the State has against illegal bonds depends upon the integrity, vigilance and sagacity of the agent in detecting them when presented for cancellation, or payment of interest.

It is further the opinion of the committee that the office ought to be abolished as soon as practicable. It is the source of a large expense to the State, without conferring any corresponding benefit.

Owing to some provisions in the act of 1846 and 1847, for the adjustment of the State debt with the bond holders, it is deemed inexpedient, at this time, to abolish the office. Such an arrangement, however, ought to be made of the State debt as to admit of its abolition at the earliest day possible. On this subject the late agent has made some suggestions in his last report, well worthy of consideration.

Fidelity to the interest of the State compels the committee to refer briefly to another subject, however unpleasant the duty.

At the time the committee visited the office of the agent of State, the Stover fraud had been known to the agent for months. The committee had no knowledge of it whatsoever, nor was any disclosure or intimation made to them in relation to it by the agent or any other person. The first notice the committee had of it was long afterwards through the public newspapers.

The inquiries made by the committee of the agent, and of his clerk, were as pointed and as diligent as they well could be, without actual knowledge of the fraud.

The answers to all these inquiries, repeatedly made, were such as to give the committee the most perfect confidence and assurance that there was nothing wrong in connection with the transactions of the office.

In the opinion of the committee, this withholding from an in-

vestigating committee appointed by the Legislature of the State, facts and information of such grave importance was a great mistake, which could not be safely passed over unnoticed.

The committee do not call in question the motives of the Agent in taking this course, as it is not thought necessary, in order to protect the credit of the State.

But in the opinion of the committee, a prompt and full disclosure of such a transaction could not permanently injure the credit of the State as seriously as their concealment.

The State could not, under any circumstances, be made liable for these fraudulent bonds, without first sanctioning their issue and assuming their payment. In addition to the act already referred to, creating the office, the act of January 27, 1842, provides as follows :

That no Fund Commissioner, or other agent of the State, shall hereafter be authorized or allowed, under any circumstances whatever, to sell, hypothecate, or make any transfer of any State bond, or bonds whatever; and that any person or persons who may hereafter purchase, receive in hypothecation, or otherwise, from any such Fund Commissioner or other agent, any such bond or bonds, shall thereby have no lien upon the State of Indiana, or upon any of her rights or credits, but shall be left to look for payment entirely and exclusively to said Fund Commissioner, or other agent, in his or their individual capacity.

This prohibition is virtually repeated in the act of 1847, adjusting the State debt.

As this Legislature has authorized the appointment of a commissioner to investigate all matters in relation to the issue of these fraudulent bonds, the committee ask to be discharged from a further consideration of the subject.

On account of the many other duties imposed on this committee during the session, and the absence, at this time, of one of its members, who has charge of the papers containing the result of their investigations, the undersigned are unable to report on the other matters referred to them.

Very respectfully,

WALTER MARCH,  
THOS. GIFFORD.

Mr. Ferguson submitted the following report, which was concurred in :

MR. PRESIDENT :

The committee appointed to wait upon His Excellency, the Governor, have performed that duty, and would respectfully report that His Excellency has informed us that he has no further communication to make to this General Assembly.

Mr. March submitted the following :

MR. PRESIDENT :

The select committee, to whom was referred House bill No. 54, a bill to authorize County Treasurers to offer lands delinquent for taxes for sale at the Auditor's office, have had the same under consideration, and direct me to report the same back, and recommend that it lie on the table, as, in the opinion of the committee, it would be in operation if enacted without further amendment.

Mr. Douglass offered the following, which was adopted.

*Resolved*, That Harry C. Ray, Clerk of the Committee on the Judiciary, be allowed sixty-one dollars for extra services during this session.

Mr. Browne of Randolph offered the following resolution, which was adopted :

*Resolved*, That James A. Dunning be allowed one hundred and eighty dollars for services as Clerk to President, in keeping accounts of members, &c.

Mr. Browne of Randolph moved that the Senate adjourn *sine die*, which, after a valediction by the President, was agreed to.

Attest:

S. R. HAMILL,  
*Assist. Secretary of the Senate.*

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**BILLS OF THE SENATE.**

# BILLS OF THE SENATE.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom introduced.
✓ 1	A bill appropriating twenty-five thousand dollars for the expenses of the present General Assembly and providing the manner of the payment of the members and officers of the Senate and House of Representatives of Indiana, and the Board of Commissioners of the several counties of Indiana, to make appropriations for any incorporate city or town in said State, to make appropriations for the protection and maintenance of the families of volunteers, and for the encouragement of volunteers, and to provide for the wounded and disabled soldiers, and for the dis-intering, transportation, and interring of the bodies of deceased soldiers, and for the erecting of monuments to their memories, and to make appropriations for the purchase of arms and equipments, of raising and maintaining of military companies for home defense, or for State or United States service, and for such necessary expenditures for the defense of their respective counties, cities, and towns, as the exigencies of the times may require, and to empower county boards and the authorities of the incorporated towns and cities to make regulations for disbursement of the same, to legalize any appropriations heretofore made, and to authorize a special tax for the payment of the same.....	25	35, 26, 41, 42.....	43	96	103.....	115	Browne of R.
✓ 3	A bill amending the 103d section of an act entitled "An act to revise, simplify, and abridge the rules, pleadings, and forms, in criminal actions, in the courts of this State," approved June 17, 1852.....	45	45, 84, 175.....	.....	.....	.....	.....	Dickinson.
✓ 4	A bill to amend the second and third sections of an act entitled "An act regulating docket fees of district attorneys in the Court of Common Pleas and before justices of the peace, and regulating prosecuting and district attorney fees in prosecutions on forfeited recognizances," approved June 4, 1861.....	45	46, 84, 178, 179.....	.....	.....	.....	.....	Browne of R.
✓ 5	A bill amending section 6 of "an act approved May 20, 1852, touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof; the making out and recording of plats of such towns, and providing for the change of names of such towns".....	46	46, 84, 374, 375, 452.....	.....	.....	.....	.....	Blair.
✓ 6	A bill ceding to the United States of America jurisdiction over certain lands and their appurtenances, in the county of Marion, and exempting the same from taxation.....	46	84, 174.....	.....	.....	.....	.....	Dickinson.
✓ 7	A bill to amend sections 33 and 35 of an act entitled "An act to provide for	65	84, 116, 117.....	117	415	423, 434.....	466	New.

✓ 8	A bill to repeal an act entitled "an act to provide for the election, fixing the compensation and prescribing the duties of Attorney General of the State of Indiana," approved February 21, 1855, and fixing a time when this act shall take effect.....	65	84, 757.....	.....	.....	.....	Wilson.
✓ 9	A bill repealing the tenth section of an act entitled "an act to establish Courts of Conciliation, to prescribe rules and proceedings therein and compensation of Judges thereof," approved June 11, 1852.....	65	65, 84, 174.....	.....	.....	.....	Browne of R.
✓ 10	A bill to amend section 9 of an act of amendment approved March 9, 1861, of an act approved February 12, 1855, amending section 2 of an act concerning the organization of voluntary associations and repealing former laws in reference thereto.....	65	65, 84, 85, 756.....	.....	.....	.....	Browne of R.
✓ 11	A bill repealing the sixth section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 8, 1852.....	83	83, 111, 163.....	163	291	272, 273, 290, 291	Dickinson.
✓ 12	A bill requiring railroad companies in the State of Indiana to keep on hand and furnish, on reasonable notice being given by persons offering to ship live stock or other freights over their railroads, or to or from any place of shipment thereon, a sufficient number of locomotives, freight cars, and other rolling stock, to transport such freights without delay, and making companies failing to furnish transportation liable for damages resulting from such failure.....	83	84, 111, 174.....	.....	.....	.....	Browne of R.
13	A bill requiring all corporations formed, or which may hereafter be formed, for the purpose of constructing, owning, controlling or operating a railroad in this State, to elect three-fourths of the members of their boards of directors from stockholders resident in the State, and affix certain penalties for non-compliance with the provisions of this act.....	100	111, 150, 169, 354, 355, 379, [380, 754]	.....	.....	.....	Browne of R.
✓ 14	A bill to enforce the 13th Article of the Constitution.....	101	111, 298, 383, 384.....	384	.....	.....	Browne of R.
✓ 15	A bill authorizing railroad companies to make extensions or branches in certain cases.....	101	111, 201, 202.....	.....	.....	.....	Landers.
✓ 16	A bill prescribing the forms of conveyances of real estate that may be used by executors, administrators, guardians, trustees, and commissioners in certain cases, fixing a fee therefor; and also to repeal the 547th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	101	111, 185, 207.....	208	404	411, 415.....	Ray.
✓ 17	A bill to amend the third section of an act entitled "an act to amend sections one and two of an act to provide compensation to the owner of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in the State, approved March 4, 1859.....	101	111, 203, 245.....	245	331	384, 388.....	March.
		109	109, 163, 591.....	.....	.....	.....	Downey.

# BILLS OF THE SENATE—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom introduced.
✓ 18	A bill to amend section 23 of an act entitled "an act to provide for the opening, vacating, and change of highways," approved June 17, 1852.....	110	110, 163, 382, 410.....	411	.....	.....	.....	Cobb.
✓ 19	A bill to provide that the value of United States Government stamp duties required and used on original process, certificates, bonds, appraisements, deeds of conveyance by Sheriffs, shall, in all actions, be taxed and collected as other costs in said action.....	110	110, 164, 244, 245.....	245	.....	.....	.....	Fuller.
✓ 20	A bill to amend section 33 of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana: for the election of township assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	110	110, 164, 201, 245, 246.....	246	415	426, 435.....	466	Hord.
✓ 21	A bill regulating the fees of officers, and repealing former acts in relation thereto.....	110	110, 164, 179.....	.....	.....	.....	.....	Gifford.
✓ 22	A bill to amend the 54th section of chapter 7, entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.....	110	110, 164, 246.....	246	415	438, 449.....	466	Teegarden.
✓ 23	A bill to amend section 13 of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1852, as amended by an act approved March 9, 1861.....	111	111, 167, 202, 204, 503, 547.....	547	.....	.....	.....	Hord.
✓ 24	A bill to provide for the execution of conveyances by County Auditors for school lands where the certificate has not been properly assigned, or assignment acknowledged in certain cases.....	111	111, 167, 202, 246, 247.....	247	457	508, 510.....	519	March.
✓ 25	A bill to amend the first section of "an act to organize a Supreme Court, and prescribing certain duties of the judges thereof," approved May 13, 1852, and to district the State for the purpose of electing five judges of the Supreme Court.....	153	171, 202, 754.....	.....	.....	.....	.....	Wolfe.
✓ 26	A bill to amend the 12th section of "an act touching the relation of guardian and ward".....	153	171, 202, 247.....	247	415	421.....	466	Beeson.
✓ 27	"An act to provide for the election of trustees and commissioners of the benevolent institutions of the State, and prescribing some of the duties of such officers," approved March 5, 1859.....	153	171, 393.....	.....	.....	.....	.....	Shields.
✓ 28	A bill in addition to the 1st section of an act passed in 1861, entitled "an act to amend the 2d section of an act entitled an act to amend sections 207							

✓ 29	and 298 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1862, so as to authorize a change of venue in certain cases, approved March 5, 1859, and to make additional provisions on the subject.....	153	171, 175.....	257	.....	.....	Downey.
✓ 30	A bill to amend section 15 of an act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children, approved May 6, 1852, so that execution may issue against the body of the father thereof when he is not in custody.....	154	171, 359.....	.....	.....	.....	Dickinson.
✓ 31	A bill to provide for the erection and repair of any bridge across a stream forming the boundary line between two counties, and to repeal all laws inconsistent therewith.....	154	171, 224, 248.....	249	457	542.....	Gaff.
✓ 32	A bill fixing the amount to be paid by persons claiming exemption from militia duty, and providing the means for collecting the same.....	154	154, 171, 577, 578, 653.....	.....	.....	.....	Landers.
✓ 33	A bill to provide for the publication of notice of the pendency of suits as against defendants whose residence is unknown.....	154	171, 176, 248.....	248.	415	422.....	New.
✓ 34	A bill prescribing the form of deed that may be used by sheriffs and coroners, providing for the record of executions and returns in certain cases, its use as evidence, and fees for recording.....	154	171, 225, 255, 256.....	255	.....	.....	March.
✓ 35	A bill to amend the 71st section of an act entitled "an act providing for the election and qualification of Justices of the peace, and defining the jurisdiction, powers, and duties in civil cases," approved June 9, 1852, as amended by an act approved March 5, 1859.....	155	171, 223.....	.....	.....	.....	Hord.
✓ 36	A bill to amend section one of an act entitled "an act defining what shall constitute certain felonies, and fixing the penalties thereof," approved May 31, 1861.....	155	171, 174, 256, 257.....	.....	.....	.....	Ferguson.
✓ 37	A bill to amend the 1st, 11th and 12th sections of an act entitled "an act to exempt property from sale in certain cases," approved March 17, 1852.....	155	172, 372, 754.....	.....	.....	.....	March.
✓ 38	A bill to amend the 20th, 21st and 22d sections of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859, and to make additional provisions on the subject.....	159	172, 298, 384.....	384	.....	.....	Downey.
✓ 39	A bill authorizing the sale of canals, authorizing the purchaser or purchasers, and his or their assignees, to organize companies, and fixing the powers of such companies.....	160	172, 299, 332, 333.....	333	.....	.....	Gifford.
✓ 40	A bill to amend the third section of an act entitled "an act prescribing the powers and duties of Justices of the peace in State prosecutions," approved May 29, 1852.....	160	172, 201, 263.....	263	.....	.....	March.
✓ 41	A bill to amend section 1 of "an act to provide for a general system of common schools, the officers thereof and their respective duties and matters properly connected therewith, and the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith," approved March 11, 1861.....	161	172, 308, 309, 385, 386.....	386	.....	.....	Douglass.

# BILLS OF THE SENATE—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom introduced.
✓ 42	ment of township libraries, and to repeal all laws inconsistent therewith, approved March 11, 1861.....	161	161, 172, 299.....	.....	.....	.....	.....	Berry.
✓ 43	A bill defining the offense of bastardy, and prescribing the punishment therefor.....	168	183, 286, 287, 388, 389.....	389	.....	.....	.....	Judiciary Committee.
✓ 44	A bill to make Gavin & Hord's printed edition of the Statutes evidence in all courts and places of the acts therein contained.....	169	169, 170, 324.....	.....	.....	.....	.....	Brown of Wells.
✓ 45	A bill supplemental to an act to enforce the thirteenth article of the Constitution, approved June 18, 1852.....	170	170, 183.....	.....	.....	.....	.....	Shields.
✓ 46	A bill to amend the 2d section of an act in relation to county auditors; "approved May 31, 1854.....	170	170, 183, 256, 371, 372, 389, [390]	390	.....	.....	.....	Beeson.
✓ 47	A bill to amend section six of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings, and forms, in criminal actions, in the courts of this State, approved June 17, 1852.....	170	170, 183, 390.....	.....	.....	.....	.....	Hord.
✓ 48	A bill to fix the times of holding the courts of common pleas in the Twentieth Judicial District of the State of Indiana, and repealing former laws on the subject, and declaring when this act shall take effect.....	176	176, 177, 178.....	178	195	203, 206, 207.....	209	Brown of Wells.
✓ 49	A bill erecting the Fourteenth Judicial Circuit, providing for a judge thereof, making all process returnable therewith, fixing the commencement and length of terms of courts, and attaching the county of Huntington to the Tenth Judicial Circuit.....	181	181, 182, 195, 362, 390.....	.....	.....	.....	.....	Dickinson.
✓ 50	A bill relative to the school tax levied upon corporations, and providing the manner of distribution and loaning of the same, and other matters properly connected therewith.....	182	182, 195, 241, 370.....	.....	.....	.....	.....	Bradley.
✓ 51	A bill for the relief of John B. Redd.....	182	182, 195, 330.....	.....	.....	.....	.....	Wright.
✓ 52	A bill to amend the second section of an act entitled "an act relative to the salaries of public officers, providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," approved March 5, 1859.....	182	182, 196, 264.....	264	.....	.....	.....	Williams.
✓ 53	A bill to amend the 55th section of an act entitled "an act to amend 'an act to authorize and regulate the business of general banking,' approved March 3, 1855.....	182	182, 196, 264.....	264	.....	.....	.....	March.
	A bill to amend the first section of an act entitled an act to amend the sixth section of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1855,							



✓ 54	which latter act was approved February, 1863, which amendatory act was approved March 9, 1861.....	182	183, 196, 756.....	.....	.....	.....	Culver.
✓ 55	A bill regulating the bequeathing, devising and conveying property for religious and charitable purposes, and declaring an emergency therefor.....	183	183, 196, 230, 231, 531, [547, 546]	.....	.....	.....	Claypool.
✓ 56	A bill to amend the 4th section of an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals; approved February 16, 1852, as amended by an act, approved February 14, 1855.....	183	183, 196, 756.....	.....	.....	.....	March.
✓ 57	A bill to amend the 8th section of an act entitled "an act dividing the State into counties, defining the boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers; approved June 7, 1852.....	183	184, 196, 530, 531, 545, 606 [546, 570, 606]	.....	.....	.....	March.
✓ 58	An act entitled an act to allow county commissioners to organize turnpike companies where a majority of persons representing the real estate, within prescribed limits, petition for the same, and levy a tax for its construction and provide for the same to be free.....	184	184, 196, 197, 330, 390.....	399	.....	.....	Culver.
✓ 59	A bill to amend "an act to authorize the boards of Commissioners of the several counties in the State of Indiana, and the authorities of any incorporated city or town in said State, to make appropriations in certain cases, and to legalize certain appropriations therein specified;" approved May 11, 1861, so as to authorize said boards to make appropriations for bounties for volunteers; disintering, transporting and interring the bodies of deceased soldiers, and erecting monuments to their memories.....	184	184, 197, 256, 392, 393.....	393	.....	.....	Dickinson.
✓ 60	A bill fixing the amount of fees to be paid into the State Treasury for the services of the Auditor and Secretary of State in certain cases; repealing all laws in conflict therewith, and amending the 4th section of "an act supplemental to the swamp land act;" approved June 14, 1852.....	184	184, 197, 225, 226, 260, [264, 342, 393, 394]	394	.....	.....	March.
✓ 61	A bill to detect and prevent the circulation of counterfeit, altered and worthless paper currency, and prescribing the duties of banks in relation thereto.....	190	190, 206, 249.....	.....	.....	.....	Ray.
✓ 62	A bill repealing an act entitled an act in relation to witnesses, and to repeal section 238 of article 13 of the act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force.....	190	190, 206, 224, 264, 265.....	265	.....	.....	Mellet.
✓ 63	A bill to amend the first section of an act entitled "an act for the incorporation and continuance of Building Loan Fund and Savings Association," approved March 5, 1857.....	190	190, 206, 223, 264, 265.....	265	.....	.....	New.
✓ 64	A bill to amend section 5 of an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act, approved June 9, 1852.....	190	190, 207, 403.....	.....	.....	.....	Corbin.
✓ 65	A bill to amend section 16 of an act entitled an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases; approved June 9, 1852.....	190	191, 207, 756, 756.....	.....	.....	.....	Berry.

# BILLS OF THE SENATE—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom Introduced.
✓ 66	abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 12, 1852	191	191, 207, 229, 258, 394, 395	395	.....	.....	.....	Corbin.
✓ 67	A bill to amend the 134th section of "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, and declaring when this act shall take effect	191	191, 207, 238, 239, 265.....	265	.....	.....	.....	Wolfe.
✓ 68	courses of this State, and to provide a penalty for a violation thereof	191	192, 207, 377, 404, 405, 410.	.....	.....	.....	.....	Corbin.
✓ 69	A bill to amend section 76 of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852	192	192, 207, 223 .....	.....	.....	.....	.....	Culver.
✓ 70	A bill to amend section 156 of an act entitled an act to revise, simplify, and abridge the rules, practice, pleading, and forms in civil cases, in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and providing the time when the same shall take effect..	205	205, 256, 229, 265, 266 ...	266	.....	.....	.....	Mellet.
✓ 71	A bill to amend the first and second sections of an act entitled "an act relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," approved March 5, 1859	205	205, 226, 387 .....	.....	.....	.....	.....	Hord.
72	A bill to amend section 42 of an act entitled "an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,"	206	206, 226, 260, 369, 411.....	412	.....	.....	.....	Gaff.
✓ 73	A bill to amend section 14 of an act authorizing the construction of plank, macadamized and gravel roads, approved May 12, 1852, and to extend the time in which companies organized under said act shall commence and complete the construction of their roads.	206	206, 256, 261, 263.....	263	.....	.....	.....	Gaff.

74	A bill to fix the time of holding the Common Pleas Court in the Fifth District, and to repeal all other laws on the same subject.....	212	212, 226, 266, 355, 356.....	396	.....	.....	Dowsey.
75	A bill to amend the first section of an act entitled an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers, and duties in civil cases.....	212	212, 226, 239, .....	.....	.....	.....	Landers.
76	A bill to amend section 1 of an act entitled "an act touching the laying out and vacating towns, streets, alleys, public squares and grounds; or any part thereof; the making out and recording of plats of such towns, and providing for the change of the names of such towns," approved May 20, 1852, and providing when the same shall take effect.....	217	217, 226, 266, 280, 281.....	281	.....	.....	Hord.
77	A bill to amend the 23d section of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of Treasurers and Auditor of State, approved June 21, 1852.....	226	226, 233, 340, 341, 633.....	.....	.....	.....	Johnson.
78	A bill to amend the 8th section of an act entitled an act in relation to county treasurers, approved June 14, 1852.....	226	226, 233, 333, 334, 511, 517, [548	518	.....	.....	Johnson.
79	A bill to protect the liberty of the press, declaring certain acts infringing the liberty of the press to be felonious, and prescribing punishment therefor, and providing compensation to persons whose property is injured or destroyed by mob violence in certain cases, and declaring when this act shall take effect.....	231	231, 232, 243, 244, 288, 289, [327, 472, 473, 474, 475, 476, [477, 492, 493, 494, 495, 496, [497	496	.....	.....	Wolfe.
80	A bill to amend the 5th section of an act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof.....	232	232, 243, 244, 424, 453, 463, [464, 465	.....	.....	.....	Beeson.
81	A bill in relation to injunctions, and restraining orders between landlords and tenants.....	232	232, 244.....	.....	.....	.....	New.
82	A bill to repeal an act entitled an act to authorize the Bank of the State of Indiana to lay off and create five additional Bank Districts, and locate and establish branches therein, approved March 9, 1851.....	232	232, 244, 266, 267, 269.....	269	.....	.....	Judiciary Committee.
83	A bill providing that creditors and sureties shall have a right of action in certain cases before the debt or liability is due, and providing a remedy, by attachment, in such cases, and declaring when this act shall take effect.....	234	235, 237, 354, 412.....	412	.....	.....	Wolfe.
84	A bill regulating the fees of county recorders, and more fully defining their duties and powers in certain cases.....	235	235, 244, 238, 339, 754.....	.....	.....	.....	Ray.
85	A bill on the subject of Master Commissioners, their duties and compensation.....	235	235, 244, 354, 397.....	397	.....	.....	Judiciary Committee.
86	A bill to amend the first section of an act entitled an act concerning inclosures, trespassing animals, and partition fences.....	242	242, 255, 754.....	.....	.....	.....	Davis of Vermillion.
87	A bill to amend section 25 of an act providing for the election or appointment of supervisors of highways, and providing certain of their duties, and those of county and township officers in relation thereto, approved March 5, 1852.....	243	243, 256, 267.....	267	.....	.....	Wolfe.
88	A bill supplemental to an act entitled an act for the encouragement of agriculture, approved February 17, 1852, and to encourage the organization of horticultural societies.....	243	243, 255, 507.....	.....	.....	.....	Blair.

# BILLS OF THE SENATE—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom Introduced.
✓ 89	A bill for the punishment of officers of elections for receiving the ballots of unqualified persons, and for counting and returning said votes; for abstracting or destroying ballots voted, so that such votes shall be lost in the count and return; for removing ballots voted or substituting others instead thereof; for changing the name or office voted for on ballots; for falsely taxing or counting any name or office voted for; for writing spurious or false names on any poll book; for depositing spurious or false ballots; for making false count of votes, and for making false returns of the votes cast at any election authorized by law to be held in this State.....	243	243, 255, 448, 548, 549.....	549	.....	.....	.....	Lauders.
✓ 90	A bill to authorize the Bank of the State of Indiana to reduce the capital stock of a bank or branches of said bank, and to close up the business and affairs of a bank or branches of said bank under certain regulations, and amendatory of an act entitled "an act to establish a bank with branches," passed March 3, 1853.....	244	244, 255, 261, 267, 268.....	268	.....	.....	.....	Claypool.
✓ 91	A bill to amend the first section of an act entitled an act authorizing appeals from Circuit Courts to the Supreme Court, in contested election cases; approved March 21, 1859.....	249	249, 269, 376.....	.....	.....	.....	.....	Shields.
✓ 92	A bill to empower banks organized under the "act to amend an act to authorize and regulate the business of general banking," passed March 3, 1853, to change the place of business, prescribing the terms and manner of doing the same.....	250	250, 269, 326, 397, 398.....	.....	.....	.....	.....	Wilson.
✓ 93	A bill to extend the time for the completion of railroads in all cases in which two thousand dollars per mile has been expended in their construction, and declaring at what time the act shall take effect and be in force.....	250	250, 276, 282, 283.....	283	381	393, 399 ..	403	Hoagland.
✓ 94	A bill for the relief of purchasers of swamp lands, where the sale and conveyance thereof to such purchasers was invalid and conveyed no good sufficient title therefor, or where the titles to such lands may have failed after the sale thereof, and also declaring when such act shall take effect.....	251	251, 270, 337, 756, 337, 756	.....	.....	.....	.....	Graves.
✓ 95	A bill supplemental to "an act regulating interest on money, and to repeal an act entitled an act concerning interest on money; approved May 27, 1862; the fifty-first section of the act defining misdemeanor, and prescribing punishment therefor; approved June 14, 1862, and all other laws and parts of laws in conflict with this act," approved March 7, 1861.....	251	251, 270, 330, 591.....	.....	.....	.....	.....	Teegarden.

96	A bill requiring the Clerk of the Common Pleas and Circuit Courts, and county auditors, to make indexes to records in certain cases.....	251	251, 271, 375, 378, 413.....	413	.....	.....	March.
97	A bill to provide for the regulation of fare charged by railroad corporations or companies for the transportation of passengers on railroads, and prescribing penal ties for the violation of this act.....	251	271, 271, 383, 413, 414.....	414	.....	.....	Hartley.
98	A bill to repeal all provisions of acts of incorporations heretofore passed requiring any company or companies to complete any plank road, gravel or macadamized road, and authorizing said companies, in certain cases, to collect toll on said road.....	258	259, 271, 326, 400, 441, 435, [508, 509, 510]	510	.....	.....	Bearss.
99	A bill to provide for issuing fee bills and exonerations against securities in appeal bonds in cases appealed to the Circuit or Common Pleas Courts....	259	259, 271, 371, 415, 416.....	416	.....	.....	Wolfe.
100	A bill to authorize the deposition of parties in actions to be taken and read in evidence.....	259	259, 271, 371.....	.....	.....	.....	Ferguson.
101	A bill to amend sect on 40 of "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	259	259, 271, 353, 416, 417.....	417	.....	.....	Wolfe.
102	A bill to authorize the Board of Directors of the Bank of the State of Indiana* to remove any of its branches for the redemption of the notes of such branches, and providing the conditions on which such act shall take effect.....	259	259, 271, 281.....	281	.....	.....	Ray.
103	A bill to amend sections 13 and 26 of "an act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7, 1851.....	262	262, 277, 450, 549, 550, 557, [558]	559	.....	.....	Landers.
104	A bill for carrying out the sixth section of the 12th Article of the Constitution.....	278	278, 344, 357.....	.....	.....	.....	Graves.
105	A bill to amend sections 12, 13, 23, 27, 32, 33, 43, 97, 107, 125, 156, and 162 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, and to repeal section 137 of said act.....	278	278, 346, 757.....	.....	.....	.....	Douglas.
106	A bill to provide for the prompt payment of the officers and soldiers in the army of the United States, raised and organized in the State of Indiana, and to provide means for that purpose.....	284	284, 346, 369, 421, 489, 490, [491, 492, 537]	587	.....	.....	March.
107	A bill to repeal an act making an appropriation to defray the expense of preparing to respond to the call of the President of the United States for troops; approved May 6, 1861.....	284	284, 346, 503, 595, 598.....	.....	.....	.....	Williams.
108	A bill to signify the assent of the State of Indiana to the conditions and provisions of an act of Congress entitled "an act donating public lands to the several States and Territories, which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 21, 1862, and to express the State's acceptance of said conditions and provisions, and for accepting the scrip offered by the act of Congress, and for its sale and investment in the State of Indiana bonds or stock for the endowment of an agricultural college.....	284	284, 285, 598, 619, 620.....	620	.....	.....	Johnson.



# BILLS OF THE SENATE—Continued.

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Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom introduced.
109	A bill requiring the county commissioners of the several counties of this State to make allowances and issue orders therefor in certain cases....	285	285, 316, 426, 427 450, 459, [490, 570]	570	.....	.....	.....	Corbin.
✓ 110	A bill to create the 16th Judicial Circuit, to provide for the appointment and election of a Prosecuting Attorney and a Judge therein, and also to provide for the holding the terms of courts therein, and the return to said courts of all processes, recognizances, and notices of publication heretofore or hereafter issued and taken by the present Circuit Courts of the counties in said district.....	990	290, 346, 347, 441, 547, 596, [597, 598]	595	.....	.....	.....	Select Committee.
✓ 111	A bill to apportion Senators and Representatives for the next six years.....	300	300, 392, 373, 374, 405, 427, [428, 429, 430, 431, 432, 433, 434, 436, 437, 441, 442, 443, 444, 445, 446, 447, 463, 480, [481, 482, 483, 484, 485]	492	.....	486, 487, 488, 489, [492]	.....	Williams.
✓ 112	A bill to amend the 7th section of an act entitled an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter, approved February 5, 1852.....	305	305, 347, 357, 379, 396, 397	396	.....	.....	.....	Bradley.
✓ 113	A bill to repeal an act to provide for the defense of the State of Indiana, to procure first class arms, artillery, cavalry and infantry equipments and munitions of war, making the necessary appropriations therefor, and authorizing the Governor to borrow money.....	306	306, 347, 502, 754.....	.....	.....	.....	.....	Fulcr.
✓ 114	A bill to amend section 13 of an act entitled "an act defining felonies and prescribing punishment therefor," approved June 10, 1852, and to more fully protect the citizens of the State from arbitrary arrests, and procuring the privilege of the writ of habeas corpus, to such as may be arrested without due process of law.....	307	347, 492, 493, 520.....	520	.....	.....	.....	Douglass.
✓ 115	A bill to amend an act entitled an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and defining their powers, approved June 11, 1852.....	307	307, 347, 426, 754.....	.....	.....	.....	.....	Ray.
✓ 116	A bill authorizing the Secretary of State to purchase and distribute, for the use of the State, copies of a new edition of Blackford's Reports, and appropriating money to pay for the same.....	308	308, 347, 348, 356, 510, 511, [754]	.....	.....	.....	.....	Davis.
✓ 117	A bill to amend section 111 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith.....	308	308, 348, 502, 507, 532, 539.	.....	.....	.....	.....	



✓ 118	A bill to amend the 70th section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1852.	308	308, 348, 754	.....	.....	.....	March.
✓ 119	A bill repealing an act approved March 5, 1861, authorizing the Governor to obtain possession of all public arms and military equipments, to institute proceedings to recover the same, and providing for the distribution of the same.	328	328, 345	.....	.....	.....	Corbin.
✓ 120	A bill to amend the 738th section of an act to revise, simplify, and abridge the rules, practice, pleadings, &c., approved June 18, 1852, so as to enlarge the powers of the Supreme Court in respect to writs of mandate and prohibition.	359	359, 451, 754	.....	.....	.....	Judiciary Committee.
✓ 121	A bill for the relief of purchasers of swamp lands when the sale and conveyance thereof to such purchasers was invalid, and conveyed no good and sufficient title therefor, or when the title to such lands have failed after the sale thereof, and also declaring when such act shall take effect.	338	338, 386, 387, 388, 586, 587, 588	.....	.....	.....	Committee on swamp lands.
✓ 122	A bill to amend the first section of an act entitled "an act for the relief of borrowers of Sinking Fund, and to repeal the fourth section, and so much as applies to the Sinking Fund, of the whole act entitled 'an act to extend to borrowers of the Sinking Fund, Surplus Revenue Fund, Congressional School Fund, and other funds, time of payment of loans, and prescribing the duties of the officers in regard thereto,' approved March 3, 1859, and prescribing how mortgages may be substituted, and containing some provisions respecting the Sinking Fund, and its control and management, and matters properly connected therewith," approved March 9, 1861.	339	339, 360, 505, 754	.....	.....	.....	Browne of R.
✓ 123	A bill to amend the 35th section of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, approved June 18, 1852.	341	341, 360, 402	.....	.....	.....	Judiciary Committee.
✓ 124	A bill to amend sections 1 and 4 of an act entitled "an act to provide for locating and working highways situated upon county lines," approved March 3, 1859.	343	343, 360, 503, 509	.....	.....	.....	Johnson.
✓ 125	A bill to amend the 5th section of an act entitled "an act incorporating the Wabash Manual Labor College and Teachers' Seminary," approved January 15, 1854, approved February 8, 1851.	343	343, 360, 417	.....	.....	.....	White.
✓ 126	A bill to amend the 5th section of an act entitled "an act regulating the adoption of heirs."	343	343, 360, 417, 418	.....	.....	.....	Blair.
✓ 127	A bill supplemental to an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment of township libraries, and to repeal all laws inconsistent therewith, approved March 11, 1861.	343	343, 360, 361	.....	.....	.....	New.
✓ 128	A bill concerning the redemption of real estate, sold on behalf of the Sinking Fund, the College Fund, the Saline Fund, the Surplus Revenue Fund, and the Bank Tax Fund.	344	344, 361, 754	.....	.....	.....	Ray.
✓ 129	A bill in relation to suits and proceedings, and against joint stock companies.	344	344, 361, 378, 395, 418	.....	.....	.....	Brown of Wells.
✓ 130	A bill relative to the trial of offenses committed against stock companies and associations, passed 1863.	344	344, 361, 402	.....	.....	.....	Brown of Wells.

# BILLS OF THE SENATE--Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other Proceedings.	Approved.	By whom Introduced.
✓ 131	A bill to amend the 99th section of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity; approved June 18, 1852.....	344	344, 361, 512 .....	.....	.....	.....	.....	March.
✓ 132	A bill for the organization of the Circuit Courts of the State of Indiana, providing for the election and compensation of judges, prosecuting attorneys, and jurisdiction of the said courts; and for repealing an act entitled an act to establish courts of Common Pleas, and defining the jurisdiction and duties, of providing compensation for the judges thereof; approved May 14, 1852, and all acts amendatory thereof.....	345	345, 361, 754 .....	.....	.....	.....	.....	Ray.
✓ 133	A bill fixing and determining the amount of the equivalent to be paid by persons conscientiously opposed to bearing arms in pursuance of the requirements of the Constitution; declaring when the same shall be due and payable; directing the making of rules and regulations for the collection thereof; and the manner in which suit therefor shall be brought and judgment recovered; and also declaring when this act shall take effect.....	357	357, 378.....	.....	.....	.....	.....	Select Committee.
✓ 134	A bill supplemental to an act entitled "an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors; to prohibit the adulteration of liquors; to repeal all former laws contravening the provisions of this act; and prescribing penalties for the violation thereof;" approved March 5, 1859.....	358	358, 378, 422.....	.....	.....	.....	.....	Murray.
✓ 135	A bill to amend the first and third sections of an act entitled an act for the encouragement of agriculture; approved February 17, 1852.....	358	358, 359, 378, 507.....	.....	.....	.....	.....	Williams.
✓ 136	A bill to divide the State into eleven Congressional Districts, and to repeal an act entitled "an act to divide the State into Congressional Districts;" approved February 9, 1852.....	366	365, 378, 613.....	.....	.....	.....	.....	Ray.
✓ 137	A bill giving county surveyors the power to administer oaths to viewers of roads, providing that when a surveyor is one of the viewers he shall not be required to take an additional oath.....	377	377, 391, 538, 539, 588.....	589	.....	.....	.....	Douglass.
✓ 138	A bill to amend the title of "an act providing for the increasing of the capital stock and the directors of railroad companies," approved June 17, 1852.....	377	377, 391, 401, 549.....	549	.....	.....	.....	Davis of Cass.

139	A bill to repeal the 119th section of an act, entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State; approved June 21, 1852."	378	378, 391, 754.....	.....	.....	.....	Culver.
✓ 140	A bill to enforce the 13th article of the Constitution of this State.....	.....	.....	.....	.....	.....	Landers.
✓ 141	A bill to amend sections 57, 59 and 60 of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.....	694	791, 561, 562, 563, 564, 566, 599, 600, 601, 602, 603, 631, 632, 633, 634, 635, 662, 663, 684, 685, 686, 687, 688, 693, 379, 392, 546, 547, 595.....	.....	.....	.....	Landers.
✓ 142	A bill authorizing county commissioners to fill vacancy in the office of school examiner.....	379	379, 392, 629.....	.....	.....	.....	Douglass.
✓ 143	A bill to punish illegal arrests, and affixing a penalty therefor.....	379	379, 392, 486.....	.....	.....	.....	Landers.
✓ 144	A bill to regulate sheriff's fees in certain cases of sale on execution.....	383	383, 453, 754.....	.....	.....	.....	Wilson.
✓ 145	A bill to direct the clerks of the Court of Common Pleas in the several counties in this State, to procure certain dockets, and to direct the docketing of estates and guardianships, and regulating the fees of said clerks in relation thereto, and repealing all laws in conflict with the same.....	409	409, 454, 756.....	.....	.....	.....	Blair.
✓ 146	A bill granting the use of the State prison at Jeffersonville to the United States, for the imprisonment of criminals convicted of offenses against the United States; directing the Warden of said prison to receive such prisoners, and prohibiting the officers of the Northern State prison from receiving the same.....	410	410, 454, 594.....	594	.....	.....	Ferguson.
✓ 147	A bill providing for the election and appointment of officers of the benevolent institutions of this State, prescribing some of their duties and other matters properly connected therewith; repealing all laws in conflict with the same, and declaring an emergency for the immediate taking effect thereof.....	439	439, 453, 498, 499, 500, 525, 536, 537, 528, 529, 575, 590, 581.....	581	.....	.....	Corbin.
✓ 148	A bill for the relief of Peter and Benoni Wells.....	440	440, 441, 754.....	.....	.....	.....	Browne of R.
✓ 149	A bill to prevent the circulation of counterfeit coin, and counterfeit, altered and worthless bank bills, treasury notes, and postal currency.....	457	457, 469, 470, 754.....	.....	.....	.....	March.
✓ 150	A bill to amend an act entitled an act to amend section 19 of an act to fix the time of holding the common pleas courts in the several counties of this State; the duration of the terms thereof, and making all process from the present common pleas courts returnable to such terms, &c., approved February 15, 1861.....	457	457, 468, 469, 592, 593.....	593	.....	.....	Douglass.
✓ 151	A bill to prohibit the clerks of the circuit court and common pleas, and their deputies, from practicing law, or performing any of the duties of attorneys in any of the courts of which they are clerks.....	458	458, 470, 506, 507.....	.....	.....	.....	Brown of Wells.
✓ 152	A bill to amend section 19 of an act to provide for the opening, vacating, and change of highways, approved June 17, 1852.....	458	458, 470.....	.....	.....	.....	Cobb.
✓ 153	A bill to amend section 6 of "an act to amend an act entitled 'an act to repeal all laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,'						

# BILLS OF THE SENATE—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom Introduced.
✓ 154	approved March 9, 1859, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, A. D. 1859," approved March 1, 1859. . . . .	459	459, 470. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	New.
✓ 155	A bill to amend sections 3, 5 and 6 of an act entitled "an act to provide for the government and discipline of the State Prison, and to repeal an act to provide for the government and discipline of the State Prison, approved March 3, 1853, and all other laws or parts of laws inconsistent herewith," approved February 5, 1857. . . . .	460	461, 531, 559, 500, 633. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	Cobb.
✓ 156	A bill requiring all persons hereafter sentenced to confinement in the State Prison, to be conveyed to the State Prison at Jeffersonville, providing for the transfer of convicts from one State Prison to the other, and repealing an act entitled "an act to authorize the removal of convicts from the Southern State Prison to the Northern State Prison, and providing for the employment of convicts in each of said prisons, directing what counties shall send their convicts to the Northern State Prison, and providing for carrying on the work in building said Northern State Prison, and making appropriations for the support of said prison," approved June 1, 1861. . . . .	461	461, 559, 530, 535, 552, 553, [554, 556, 631	. . . . .	. . . . .	. . . . .	. . . . .	Bradley.
✓ 157	A bill to amend the 4th section of an act entitled an act in relation to county auditors," approved May 31, 1852. . . . .	462	462, 531, 605. . . . .	605	. . . . .	. . . . .	. . . . .	Reed.
✓ 158	A bill defining the offenses of unlawful seizure, arrests, imprisonments and removal of persons in or from this State, prescribing punishment therefor, and declaring when this act shall take effect. . . . .	462	462, 463, 754. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	Wolfe.
159	A bill to provide for the printing and binding of two thousand copies of the laws passed at the regular session of the General Assembly in the year 1863, in the German language, and for the distribution and sale of the same. . . . .	463	462, 551. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	Ray.
✓ 160	A bill regulating the fees to be charged for the services of the Clerk of the Supreme Court and Circuit Court and county auditors, the disposition to be made of the same, and to repeal all laws inconsistent therewith. . . . .	463	462, 551. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	March.
	A bill to amend section 12 of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859. . . . .	463	463, 630. . . . .	. . . . .	. . . . .	. . . . .	. . . . .	New.

✓ 161	A bill to enable Courts of Common Pleas to hold special terms at any point agreed upon.....	512	513, 754 .....	.....	.....	Ferguson.
✓ 162	A bill to amend section 14 of an act entitled "an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852. ....	513	639 .....	.....	.....	Hartley.
✓ 163	A bill to amend the 18th section of an act entitled "an act for the organization and regulation of the Indiana militia, prescribing penalties for violation of said regulations, providing for the election and appointment of officers, defining the duties of military and civil officers, and penalties for the neglect or violation thereof, providing encampments, making appropriations for the support of said militia, repealing all laws heretofore enacted on that subject saving certain acts therein named, and declaring an emergency for the immediate taking effect thereof," approved May 11, 1861. ....	513	514, 604, 605 .....	.....	.....	Landers.
✓ 164	A bill for the payment of the Indiana Legion, and other State troops, for services in defending the Ohio river border, and to provide payment of other expenses of such troops during the time of such service.....	514	514, 581, 582.....	582	.....	Downey.
✓ 165	A bill requiring recorders to record stamps on instruments, or otherwise indicate the fact whether the same is stamped or not, and making the record thereof, or copies of the same, evidence of such fact. ....	515	515, 540 .....	.....	.....	March.
✓ 166	An act to establish an Agricultural College, to teach such branches of learning as are related to agriculture and the mechanic arts, military tactics, normal school instruction, and such other scientific and classical studies as the General Assembly, or the Board of Trustees of said college, may direct, and to appropriate revenue for its endowment, support and maintenance, and to provide a Board of Trustees for its management. ....	515	515, 630, 753.....	.....	.....	Johnson.
✓ 167	A bill to authorize the sale of land deeded to the State by M. G. Bright, lying in Jasper and Newton counties, and prescribing the manner of making such sale, and granting pre-emption to actual settlers on said lands. ....	516	516, 551 .....	.....	.....	Wright.
✓ 168	A bill to prevent the abandonment of plank, turnpike, Macadamized and gravel roads in certain cases, and declaring who shall not be liable to pay toll on such roads in certain cases. ....	520	520, 551, 559 .....	.....	.....	Ferguson.
✓ 169	A bill to amend section 1 of an act entitled "an act to amend section 7 of an act entitled an act to fix the times for holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the Common Pleas Courts returnable to such terms; and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, so as to change the times of holding said courts in Jackson and Bartholomew counties, and declaring when this act shall take effect. ....	521	521, 636, 631 .....	.....	.....	Hord.
✓ 170	A bill repealing sections 1, 10 and 12 of an act entitled "an act to provide for the creation of a new prison, north of the national road, election of officers thereof, making appropriations, and for the regulation of the same," approved March 5, 1859, and an act supplemental thereto, providing for the election of officers for the northern prison, prescribing some of their duties, providing for the government of said prison, and					



## BILLS OF THE SENATE—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom Introduced.
✓ 171	other matters properly connected therewith, and continuing in force all laws applicable thereto, not inconsistent therewith.....	530	530, 534, 535, 556, 557, 593	594	.....	.....	.....	Corbin.
✓ 172	A bill to classify the incorporated cities of the State of Indiana, and for the better regulation of the police of the same.....	532	532, 633, 631.....	.....	.....	.....	.....	Hord.
✓ 173	A bill to amend section one of an act entitled "an act to amend an act entitled an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	546	546, 631.....	.....	.....	.....	.....	Hord.
✓ 174	A bill to amend sections 6 and 28 of an act entitled 'an act authorizing the construction of plank, macadamized and gravel roads,' approved May 19, 1852.....	551	551, 631, 756.....	.....	.....	.....	.....	Ray.
✓ 175	A bill to provide for taking the vote of officers and soldiers of the volunteer service in the army of the United States, from this State, at all legal elections for civil officers, also providing for the counting of the ballots, and certifying the returns of such elections.....	568	569, 754.....	.....	.....	.....	.....	New.
✓ 176	A bill to authorize the settlement of the estates of decedents out of Court..	571	571, 631, 754.....	.....	.....	.....	.....	March.
✓ 177	A bill for the relief of Ananias W. Lowdermilk, and to authorize the transfer to him of certain lands therein described.....	577	577, 590, 636.....	.....	.....	.....	.....	Moore.
✓ 178	A bill to divide the State into eleven Congressional districts.....	589	589, 604, 613, 614, 615, 616, [617, 618, 636, 637, 754, 890	.....	.....	.....	.....	Wolfe.
✓ 179	A bill to repeal the 2d, 3d, 4th, 5th, 6th and 7th sections of an act regulating the granting of divorces, nullification of marriages, and decree and order of Court incident thereto, approved May 13, 1852, and to provide for the separation of married persons, and their holding separate property.....	590	590, 591, 631.....	.....	.....	.....	.....	Ferguson.
✓ 180	A bill to protect shareholders and to prevent officers and employees from embezzling and squandering the earnings of railroad companies.....	637	637, 638, 662.....	.....	.....	.....	.....	Gaff.
✓ 181	A bill to amend the 11th and 24th sections of an act entitled an act concerning the partition of lands, approved May 20, 1852.....	638	638.....	.....	.....	.....	.....	Davis of Parke.
✓ 182	A bill fixing the time of holding the Courts in the tenth judicial circuit..	660	660, 661.....	661	.....	.....	.....	Douglass.
	A bill to provide for the submission to the vote of the electors of the State certain amendments to the Constitution.....	662	662.....	.....	.....	.....	.....	March.



# JOINT RESOLUTIONS OF THE SENATE.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom introduced.
1	A joint resolution proposing amendment to article 8, and 23d section of article 4 of the Constitution, enabling cities, town-ships, and towns to levy taxes for the support of Common Schools, and so to provide for laws necessary to secure that object.	65	65, 85, 115, 116.....	116	.....	.....	.....	March.
2	A joint resolution proposing an amendment to the second section of article two of the Constitution.	70	71, 85, 149, 150.....	150	.....	.....	.....	March.
5	A joint resolution instructing our Representatives in Congress to use their influence to secure the payment of bounty to discharged and disabled soldiers.	190	190, 197, 198.....	269	.....	.....	.....	New.
6	A joint resolution proposing a general convention of the States, including the so-called Confederate States, with a view to the restoration of the Union, with all the dignity, equality, and rights of the several States unimpaired.	205	205, 233, 477, 499, 491.....	.....	.....	.....	.....	Brown of Wells.
7	A joint resolution relative to the acceptance of the donation of Congress, approved July 2, 1862.	217	217, 329.....	.....	.....	.....	.....	Claypool.
8	A joint resolution providing for greater care of sick and disabled soldiers.	231	231, 244, 588.....	.....	.....	.....	.....	Gaff.
9	A joint resolution requesting our Senators and Representatives in Congress to use their efforts to procure the passage of a law for the payment of soldiers and officers of the army in gold, or its equivalent.	242	242, 255, 356, 379, 499.....	.....	.....	.....	.....	Corbin.
10	A joint resolution relative to the enlistment and arming of negroes in the army.	261	261, 262, 277, 279, 290, 291, [292, 293, 294, 300, 301, 302, 303, 450, 583, 584, 585	585	.....	.....	.....	Cobb.
11	A joint resolution to appoint an agent to examine into the affairs of the Bank of the State, and particularly of the Lawrenceburg branch thereof.	348	375.....	.....	.....	.....	.....	.....
12	A joint resolution declaring that the General Assembly of the State of Indiana is in favor of the preservation of the Union, and a vigorous prosecution of the war.	307	307, 348.....	.....	.....	.....	.....	Mellet.
13	A joint resolution instructing our Senators and requesting our Representatives in Congress to vote against any acceptance of League Island as a Navy Yard.	438	438, 454.....	.....	.....	.....	.....	Cobb.

# BILLS OF THE HOUSE.

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Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Other proceedings.	Approved.
4	A bill to amend the 405th section of an act entitled an act to revise, simplify and abridge the rules, practice, pleading, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 13, 1852.	254	254, 271, 339, 418, 419	419		
9	A bill to repeal an act entitled "an act to ascertain the amount of fees and salaries of the clerks of the Supreme, Circuit and Common Pleas Courts of this State; of the sheriff of the Supreme Court, and of the various counties in this State; of county auditors, treasurers, and recorders; of circuit and pro-secuting attorneys, and to provide punishment for a violation of its provisions," approved June 3, 1861.	218	218, 227, 240			
15	A bill to authorize the Governor to issue a patent to Aaron Foster for certain Michigan road lands, in Laporte county.	218	218, 215, 277, 282	282	294, 296	325
17	A bill to confirm and make valid sales of real estate in the State of Indiana, made by trustees and by domestic and foreign executors.	350	351, 362, 629, 665	665	688	
18	A bill to amend section 6 of an act entitled "an act regarding estrays and articles a drift," approved June 16, 1852.	254	255, 271, 355, 356, 420			
20	A bill to amend section 46 of an act entitled an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith.	277	277, 278, 345, 538, 638	639	638	
22	A bill to amend section 27 of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of Court incident thereto," approved May 12, 1852.	254	255, 271, 357, 419, 420			
23	A bill to fix the succession of title of real estate held by county and district agricultural societies.	350	350, 351, 362, 506, 639			
26	A bill fixing the time of holding the next terms of the several Circuit Courts in the third judicial circuit, and repealing all laws in conflict therewith.	92	93, 94	94	94, 102, 106	
27	A bill providing for calling special sessions of boards of county commissioners.	454	455, 631, 632, 683	683	688	
28	A bill to amend an act entitled "an act to amend the third section of an act entitled an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857, which latter act was approved March 9, 1861.	254	255, 271, 299, 332	333		338
29	A bill to amend the 37th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.	254	255, 271, 754			
31	A bill to authorize the issuing of attachments for violation of orders of injunction.	455	455, 632			

44	A bill to amend the 6th section of an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms; and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859.....	983	984, 344, 420, 437, 438.....	438	473.....	629
47	A bill to legalize the acts of certain civil officers in this State who have entered the military service of the United States, and whose duties have been discharged by deputies during their absence.....	533	534, 632.....			
48	A bill to prohibit judges of the Common Pleas Courts of this State from practicing as attorneys in any Courts within their districts respectively.....	349	350, 312, 403, 140.....	640	688.....	
54	A bill to authorize county treasurers to offer lands delinquent for taxes for sale at the Auditor's office.....	278	278, 344, 345, 420.....			
57	A bill to provide that the value of United States stamp duties required and used on original process, certificates, bonds, appraisements, deeds of conveyance by sheriffs, and other instruments, shall, in all actions, be taxed and collected as other costs in said act: on.....	349	350, 362, 560, 567, 508.....	568	589.....	741
58	A bill to amend section 80 of the practice act of the Revised Code of 1852.....	349	350, 362, 754.....			
59	A bill to empower sheriffs to offer lands and other property for sale on execution at the door of the clerk's office in counties where there is no court house.....	254	255, 271, 369, 370, 420.....	421		
62	A bill repealing section 28, of chapter 6, of an act defining felonies, and prescribing punishment therefor, approved June 10, 1852, and defining the crime of arson, and prescribing punishment for any injury to any person resulting from arson.....	349	350, 363, 754.....			
66	A bill amendatory of, and supplemental to, an act entitled "an act to incorporate the Wabash Navigation Company," approved January 13, 1846, and to authorize the said company to raise money when necessary to make repairs on their works.....	278	278, 345, 376, 592.....	592	689.....	
69	A bill regulating the duties of the State Librarian, and providing punishment for a violation of the provisions of this act.....	283	284, 345, 423, 424.....	720		
72	A bill to amend an act entitled an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1862.....	454	455, 632, 682.....			
75	A bill for the inspection of Petroleum oils for illuminating purposes, making and branding the same, prescribing penalty for selling without inspection, or for falsely branding the cask, package, or barrel containing the same, or for violating any of the provisions of this act, for the appointment of inspectors and deputies, prescribing duties and terms of office, and imposing penalties for inspectors or deputies trading in articles they are appointed to inspect.....	455	632, 660, 726.....	734	719, 720.....	
78	A bill to enable the owners of wet lands to drain and reclaim them when the same can be done without affecting the lands of others.....	350	351, 363, 607, 608.....	608	659.....	741
82	A bill to amend the first section of an act to amend an act entitled an act to amend the sixth section of an act providing for the organization of county boards, and prescribing some of their powers and duties, which first above mentioned act was approved June 17, 1852. That said second mentioned act was approved February 16, 1859, and which latter act, last above mentioned, was approved March 9, 1861.....					
83	A bill to amend the 24th section of an act prescribing the duties of justices of the peace in State prosecutions and to enable justices to obtain mileage in making returns, approved March 1, 1855, and prescribing a penalty for neglecting to perform the duties therein required.....	349	350, 363, 533, 640.....	641	689.....	
87	A bill defining what shall constitute an assault, and prescribing punishment therefor, and prescribing what court shall have jurisdiction thereof.....	350	350, 363, 463.....			
			351, 363, 424.....			

# BILLS OF THE HOUSE—Continued.

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Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed House.	Other Proceedings.	Approved.
91	A bill to provide compensation to the owner of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State, and to enforce the collection of judgments rendered on account of the same, and to repeal all laws inconsistent therewith.....	533	534, 535, 540, 541.....	541	.....	629
94	A bill to enable railroad companies incorporated by other States, with their termini at the boundary line of this State, to acquire the right of way and make connections in this State, and also to acquire the necessary grounds for depots and other buildings, and for machine-shops, stock yards, tracks, crossings, and sidings within this State.....	478	479, 497, 498.....	498	510.....	629
95	A bill fixing the time of holding the Courts of Common Pleas in the counties of Adams, Wells, Huntington, and Allen, and the duration of the terms thereof, and making all process from present Common Pleas Courts returnable to such terms.....	283	284, 315, 346, 641, 642.....	642	629.....	.....
97	A bill to repeal an act entitled an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof, approved June 11, 1852, chapter third of the Revised Statutes of 1852.....	350	351, 363.....	.....	.....	.....
107	A bill for the relief of Ninevalh Barry.....	350	351, 363, 425, 665, 666, 667.....	667	689.....	.....
109	A bill to amend the first section of an act entitled an act for the relief of borrowers of the Sinking Fund, and to repeal the 4th section, and so much as applies to the Sinking Fund of the whole act entitled an act to extend to borrowers of the Sinking Fund, Surplus Revenue Fund, Congressional School Funds, and other Funds, time of payment of loans, and prescribing the duties of the officers in regard thereto, approved March 3, 1859, and prescribing how mortgages may be substituted, and containing some provisions respecting Sinking Fund, and its control and management, and matters connected therewith, approved March 9, 1861.....	381	382, 392, 450, 459, 719.....	.....	.....	.....
110	A bill to amend section one of an act entitled an act to amend section three of an act entitled an act for the regulation of weights and measures, approved June 9, 1852.....	350	350, 361, 503, 631.....	621	659.....	741
114	A bill requiring recorders to certify to the record of deeds, mortgages, and other instruments admissible to record.....	350	351, 364, 642.....	642	689.....	.....
117	A bill to authorize the transfer of the Congressional Township School Fund, which accrued from the sale of school lands within the territory now forming the county of Newton, to said county, from the county of Jasper.....	.....	.....	.....	.....	.....
119	A bill to amend the 21st section of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, and providing	350	351, 364, 507, 598, 599.....	598	719.....	.....

122	for the return of process to the terms fixed by this act, and declaring when this act shall take effect	351	351, 364, 412, 413		
123	A bill to amend sections 47 and 49 of an act entitled "an act defining misdemeanor and prescribing punishment therefor," approved June 14, 1852	453	455, 632		
123	A bill authorizing recorders to demand their fees in advance, and repealing all laws in conflict therewith	351	351, 364, 538		
129	A bill to provide that the laws of this State regulating the salaries of officers shall not be so construed as to permit that public officers to receive their salaries in advance and to repeal all laws coming in conflict with this act	351	351, 364, 719	733	719
130	A bill to give additional powers in civil and criminal cases to the judges of the Circuit and Common Pleas Courts during vacation	533	534, 579, 603		
133	A bill to amend section 26 of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of this State," approved June 17, 1852, and to authorize prosecuting and district attorneys to administer oaths, and make and certify affidavits in certain cases	351	351, 364		
139	A bill to raise a revenue for State purposes for the years 1863 and 1864	351	351, 364, 370, 371, 714	714	719
140	A bill to authorize the chairmen of the committees appointed by either House, or both Houses of the General Assembly, to administer oaths to witnesses testifying or called to testify before such committees	258	258, 272, 281, 282	282	294, 295
142	A bill to amend sections 636 and 661 of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleading, and forms in civil cases, in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 12, 1852	533	534, 577, 607	607	659
143	A bill to authorize county auditors to issue fee bills in certain cases therein named	523	534, 632, 683, 684	684	689
145	A bill for the relief of George Arnold	351	351, 365, 366	740	
147	A bill to amend the 655th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 8, 1852	456	456, 577, 579, 620	621	659
149	A bill supplemental to an act entitled an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes, approved May 20, 1852, and to repeal the 11th and 4th sections of said act	733	514, 545	545	585

# JOINT RESOLUTION OF THE HOUSE.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Other proceedings.
15	A joint resolution of thanks to the soldiers of Indiana, and providing for the registry and preservation of the names of those who have fallen in the service of their country during the present war.	456	456, 535, 565, 567.	567	589.



# RESOLUTIONS OF THE SENATE.

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## SUBJECT-MATTER OF.

Introduced.	By whom Introduced.	Other Proceedings.	Adopted.
To proceed to the election of a President of the Senate.....	Johnson.....	Johnson.....	5
Informing the House of the organization of the Senate.....	Ray.....	Ray.....	9
Prescribing conditions on which persons are to be elected to office by the present Legislature.....	Claypool.....	9, 10, 11.....	9
Appointing a committee to report the standing rules for the government of the Senate.....	Wolfe.....	66, 67, 68, 69, 70.....	11
To appoint a committee to procure the services of a clergyman.....	Murray.....	March.....	11
Directing the Doorkeeper to procure the journal of the last session of the Senate.....	Cobb.....	12, 13.....	13
Directing the Doorkeeper to contract for newspapers.....	Mansfield.....	11, 12, 62, 63.....	13
Not to enter upon election of officers until the resolution defining the position of the nominees for office has been finally acted upon.....	Ray.....	13.....	13
Appointing a joint committee to wait on the Governor.....	Berry.....	13.....	13
Directing the Doorkeeper to procure postage stamps.....	Gifford.....	14.....	14
Authorizing the Doorkeeper to employ pages.....	Wolfe.....	15.....	14
Fixing the per diem of the pages.....	March.....	15.....	15
To adjourn.....	Cobb.....	17.....	16
Directing the State Librarian to furnish the members and officers of the Senate with stationery.....	R. Y.....	17.....	17
Directing the Doorkeeper to procure copies of the Volksblatt and Free Press.....	Shoulders.....	17.....	17
Directing the Doorkeeper to procure postage stamps.....	Cobb.....	17.....	17
Directing the Secretary of the Senate to procure stationery from the Secretary of State, and to employ a clerk.....	Graves.....	22, 47, 51, 52.....	18
Directing the Doorkeeper to ascertain at what price fifty copies of Gavin & Hord's edition of the Revised Statutes can be procured for the use of the Senate.....	Browne of Randolph.....	24.....	22
On national affairs.....	Browne of Randolph.....	24.....	24
Directing the Doorkeeper to purchase fifty copies of Gavin & Hord's edition of the Revised Statutes.....	Lauders.....	25.....	25
To adjourn over.....	Wolfe.....	37.....	27
To inquire into the constitutionality of law providing for the voting of the Indiana soldiers.....	Browne of Randolph.....	43, 44, 144, 145, 161, 162.....	44
Ordering the printing of the standing rules.....	Williams.....	44, 342.....	44
Instructing committee to report a bill abolishing the Court of Common Pleas, the office of District Prosecuting Attorney, &c.....	Johnson.....	63, 64.....	44
Authorizing the Doorkeeper to procure from Dodd & Co., D. & R. Owen's Geological Survey.....	Ray.....	60.....	61
To inquire into the expediency of amending the law on the subject of the emigration of free negroes.....	Cobb.....	61.....	61
Requesting the Secretary of State to inform the Senate with regard to the publication of Owen's Geological Survey.....	Shields.....	61.....	61
On national affairs.....	Berry.....	61.....	61
Authorizing committee on elections to employ a clerk.....			
Requiring any committee desiring the service of a clerk to first obtain leave of the Senate.....			

# RESOLUTIONS OF THE SENATE—Continued.

## SUBJECT-MATTER OF.

	Introduced.	By whom introduced.	Other Proceedings.	Adopted.
Inquiring whether sufficient power is given by the Constitution to the legislative branches of the State Government to compel the attendance of their members.	61	Brown of Wells.	62.	62
Inquiring into the expediency of abolishing the office of Attorney General.	62	Moore.		62
Instructing the committee on elections to inquire whether Senators Mellett, Teegarden and Kay have vacated their seats.	62	Claypool.	94, 310, 311, 312, 314, 315, [316, 317, 318, 319, 320, [321, 322, 323, 324	62
Requesting the Auditor of State to communicate to the Senate how the taxes levied by the State for school purposes on corporations have been distributed.	62	Bradley.	62, 102, 103.	62
Directing the State Librarian to furnish members of the Senate with Cushing's Manual.	64	Hartley.		64
Asking an amendment omitted by the Secretary, because ruled out of order by the President, to be inserted in the Journal.	62	Browne of Randolph.		62
Requesting the Auditor of State to furnish a copy of the report of the fees of the various county and State officers.	64	March.		64
Making an additional rule of the Senate.	64	Wolfe.	65, 162.	162
To adjourn.	66	Brown of Wells.		66
Requesting Auditor of State to furnish an abstract of the statistics of fees and salaries on file in his office.	70	Wolfe.		70
Inquiring into the expediency of amending the act under which cities are incorporated.	71	Teegarden.		71
Instructing the Doorkeeper to furnish Documentary Journals.	81	Wilson.		81
Inquiring into the expediency of enacting a law for the printing and publishing, in pamphlet form, the law relative to decedents' estates.	81	McChurg.	230.	81
Directing the Secretary, Auditor, and Treasurer of State, and the President of the Board of Sinking Fund, to report to the Senate the amount of their fees, perquisites, and emoluments.	81	March.	82, 93, 99, 103, 117, 200.	82
To inquire into the expediency of reducing the Board of County Commissioners.	82	Browne of Randolph.	82, 268.	82
To inquire into the expediency of amending the law regulating the fees of County Recorders, as to require fees to be paid in advance.	82	Berry.	82, 341.	82
To inquire into the expediency of reporting a bill transferring the location, &c., of all public highways, within the respective townships, from the Board of County Commissioners to the Township Trustees.	83	Hartley.	83.	83
Inquiring into the expediency of amending the law requiring roads to be worked in the spring of the year.	83	Murray.	288.	82
Inquiring into the expediency of abolishing the office of State Agent.	83	Moore.	83, 259.	83
Inquiring into the expediency of allowing Boards of County Commissioners to make allowances to County Recorders for keeping up general index of deeds.	83	Graves.		83
Directing the Doorkeeper to lay upon the desks of members the Acts of 1861.	86	Wolfe.		86
Directing the Doorkeeper to procure a national flag.	86	Claypool.	90, 94.	86
Requesting the Committee on Elections to return all matters referred to them in regard to the contested seats of Senators, and allowing contestants and contestees to be heard in the Senate.	94	Wolfe.	94.	94

Directing the Doorkeeper to procure ice.....	95	Shields.....	95
To adjourn over.....	96	Browne of Randolph.....	97
Requesting the Governor to furnish a detailed statement of the expenditure of the \$100,000 appropriation made at the last extra session.....	99	Williams.....	100
Directing the Doorkeeper to procure thermometers for the use of the Senate.....	100	Cobb.....	100
Inquiring into the expediency of so amending the law requiring the judge of the Circuit Court and Court of Common Pleas of this State to deliver their charge to the jury after the evidence is concluded, and before the argument of counsel is commenced.....	100	McClurg.....	100
Inquiring into the constitutionality of a law fixing an equivalent for exempting from military duty under the late draft.....	100	Landers.....	100
Requesting the Treasurer of State to report the amount of money paid out by him for war purposes, and from what fund paid.....	103	Williams.....	103
Inquiring why the \$75,000 for 1861, and the same amount for 1862, appropriated for the Indiana Legion, has not been distributed.....	107	Downey.....	107
Directing the Principal Secretary of the Senate and of the Hon. e to contract for Brevier Legislative Reports.....	107	Douglass.....	108
Tendering the thanks of the General Assembly to Major General Rosecrans and the officers and soldiers under his command.....	108	March.....	109
Requesting the Secretary of State to inform the Senate whether the 14th volume of Indiana Reports has been distributed.....	109	Ray.....	142
Tendering thanks to volunteer surgeons and nurses.....	131	Brown of Wells.....	131, 132
Inquiring into the expediency of amending the law for the government of the Indiana Hospital for the Insane.....	143	Bradley.....	147
Requesting the Doorkeeper to inquire into the condition of the committee rooms.....	143	Cobb.....	144, 235
Inquiring into the expediency of reporting a bill appointing persons to grant injunctions and writs of habeas corpus.....	144	Berry.....	145, 146, 147
Requiring the elective officers of the Senate to report the number of their employes.....	144	Hartley.....	144
Inquiring into the expediency of amending school law.....	144	Williams.....	144
Authorizing the Doorkeeper to receive and distribute public documents now in the hands of the Secretary of State.....	151	Shields.....	151
Instructing the Committee on Elections to inquire into the constitutionality of John H. Baker to a seat in the Senate, and empowering said committee to send for persons and papers.....	145	New.....	151
Inquiring into the expediency of abolishing the criminal jurisdiction of the Court of Common Pleas, &c.....	151	Pleak.....	151
Inquiring into the expediency of reporting a bill authorizing teachers of public schools to use the rod of correction.....	151	Berry.....	151
Directing the Doorkeeper to procure postage stamps.....	151	Ray.....	151
Authorizing the Judiciary committee to employ a clerk.....	151	Wolfe.....	151, 167, 168
Instructing committee to inquire into the expediency of passing a law declaring libel, slander and bastardy misdemeanors.....	151	Murray.....	152
Inquiring into the expediency of reporting a bill for the return of the tax levied and collected from persons conscientiously opposed to bearing arms.....	152	New.....	152
Ordering the printing of the Governor's message.....	152	Reeson.....	152
Changing the rules of the Senate.....	152	Browne of Randolph.....	152
Instructing the Doorkeeper to procure postage stamps for the officers of the Senate and their employes.....	144	March.....	161
Inquiring into the expediency of abolishing the Grand Jury.....	144	Ferguson.....	162
Inquiring into the expediency of creating the office of Surrogate.....	169	New.....	169
Requesting Superintendents of the Deaf and Dumb and Blind Asylums to give a public exhibition for the benefit of the General Assembly.....	170	Shields.....	170
Inquiring into the expediency of requiring county treasurers to keep deputies in each township to receive State, county and other revenue.....	170	Landers.....	170
To adjourn over.....			

# RESOLUTIONS OF THE SENATE—Continued.

## SUBJECT-MATTER OF.

Subject-Matter of.	Introduced.	By whom introduced.	Other Proceedings.	Adopted.
Referring the memorial of David R. Martin, in relation to the condition of the Lawrenceburgh branch of the Bank of the State of Indiana to a select committee.	173	Browne of Randolph...	173, 295, 296, 297, 298, 750	173
To appoint a select joint committee to report an apportionment bill districting the State for Representatives in Congress.	181	Ray .....	181, 500 .....	181
Inquiring into the expediency of demanding of the General Government the right and privilege of collecting and paying over the Federal taxes, under our own laws.	181	Johnson .....	.....	181
Authorizing the Secretary of State to deliver copies of Geological Survey to the Board of Agriculture.	181	Williams .....	.....	181
Appointing a joint select committee to report an apportionment bill for districting the State for State Senators and Representatives in the General Assembly.	181	Ray .....	200 .....	181
Appointing a special committee of five to investigate the expenditures in the State Quartermaster's department, the management of the State Arsenal, &c.	187	Brown of Wells .....	199, 497, 539 .....	187
Instructing the Committee on Finance to examine and report whether the military contingent fund has been expended according to law.	188	Williams .....	188, 642, 643, 644, 645, [646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658	188
Limiting the number appointed to visit the State prisons.	188	Corbin .....	188, 208, 209, 217, 218 .....	...
Requesting the Secretary of the Senate to inquire at what price five copies for each Senator of the "Brevier Legislative Reports" can be furnished by their reporters.	188	Corbin .....	188, 208, 209 .....	188
Inquiring what additional legislation may be necessary to insure the support of destitute families of volunteers now in the military service of the country, at the public expense.	188	Murray .....	188, 230, 329, 341 .....	188
Relative to amending the 12th section of the common school act.	188	Moore .....	753 .....	188
Inquiring into the expediency of amending the act for a general system of common schools, so as to require the appointment of a school examiner at the county seat, and reducing his pay.	189	Moore .....	189, 541, 542 .....	189
Appointing a joint committee to wait upon the Governor and request him to report to the Legislature a detailed statement of the disbursement of \$100,000, military contingent fund, &c.	189	Corbin .....	190, 199, 239 .....	190
Authorizing the President of the Senate to retain Dickey Rich as one of the pages.	195	Browne of Randolph .....	196 .....	195
Inquiring into the expediency of passing a law exempting the property of volunteers, in service, from execution.	203	Moore .....	204 .....	204
Requesting the Secretary of the Senate to furnish the Committee on Phraseology and Arrangement of Bills each engrossed bill, for supervision, before the bill is enrolled, &c.	204	Browne of Randolph .....	.....	204
Inquiring into the expediency of repealing the act empowering the Bank of the State of Indiana, to create additional bank districts.	204	Cobb .....	204, 232 .....	204
Requesting the Governor to transmit to the Senate a detailed statement of the proceedings had pursuant to an act approved April 1, 1861, showing who were authorized to make purchases of arms for the State, &c.	204	Landers .....	204, 761 .....	204
Inquiring into amending the laws compensating the officers of boards of elections.	205	Brown of Wells .....	205, 752 .....	205



Relative to the death of Hon. Thomas Shoulters.....	210	Williams.....	210, 211.....	210
Instructing the Judiciary Committee to report a bill abolishing the office of Common Pleas Court Prosecuting Attorney, and taking from said court criminal jurisdiction.....	212	Wolfe.....	212, 213, 215, 216, 217.....	217
Granting leave of absence to the Committee on the State Prison.....	217	Ferguson.....	.....	217
Instructing the special committee appointed to investigate the affairs of the Quartermaster's department and of the Arsenal, to inquire into the expenditures, &c., of the Commissary department.....	217	Browne of Randolph.....	.....	217
Instructing the Judiciary Committees of the House and Senate to act as a special committee in reference to reforming the judicial system of the State, &c.....	221	Browne of Randolph.....	222.....	227
To adjourn over.....	227	New.....	.....	227
Requesting the Adjutant General to report to the Senate why the military fund, appropriated by the 7th section of the act of May, 1861, has not been distributed according to the 5th and 6th sections of said act, &c.....	227	Downey.....	228.....	228
Licensing the Auditor of State to report to the Senate an abstract of the reports on file in his office, of the fees of the various State and County officers.....	228	March.....	228.....	228
Inquiring into the expediency of reporting a bill authorizing banks to stamp the word "counterfeit" on all forged bank notes whenever presented.....	231	Davis of Parke.....	.....	231
Refusing leave of absence, except for certain reasons.....	231	Hongland.....	231.....	231
Refusing Governor's Message to different committees.....	235	Downey.....	232.....	236
Inquiring into the amount raised by the sales of Suttler's stands at "Camp Dick Thompson," &c.....	241	Wilson.....	242, 715, 750, 751, 752.....	241
To examine and report whether there has been any violation of the embezzlement laws.....	243	Williams.....	.....	243
Inquiring into the expediency of amending the present law so as to authorize County Commissioners to institute suit upon the bonds of defaulting Township Trustees.....	249	Shields.....	.....	249
Inquiring into the expediency of granting additional relief to borrowers from the Sinking Fund.....	258	Browne of Randolph.....	258, 353.....	258
Requesting members to furnish the presiding officer with the distances usually traveled to their respective homes.....	259	Wolfe.....	.....	259
To adjourn over.....	259	Claypool.....	270.....	259
Relative to adjournment.....	273	Blair.....	273.....	273
To adjourn over.....	275	New.....	275.....	275
Instructing the clerks of the committees on the Judiciary and finance to make out an abstract of report of fees of officers filed with the Auditor of State.....	276	March.....	.....	276
Inquiring into the expediency of amending the Common School Law, so as to teach the German language, &c.....	284	Hord.....	542, 5.....	284
Inquiring whether any further legislation is necessary for the better protection of sheep.....	299	New.....	752.....	299
Respecting the memorial and resolutions of the 93d and 66th Regiments of Indiana Volunteers.....	304	Ray.....	305.....	305
Concerning the Governor's Message dated 4th of February, 1863 showing the inability of the General Government to promptly pay the wages of the Indiana officers and soldiers, &c.....	306	Hord.....	758.....	306
For the distribution of Owens' Geological Survey.....	307	Williams.....	.....	307
To authorize the Committee on Military Affairs to subpoena witnesses.....	310	Shields.....	.....	310
Declaring that Honorable Joshua H. Mellett, Abraham Teegarden, Martin M. Ray, and Daniel R. Bearss, are entitled to their seats as Senators.....	313	Com. on elections, Ma-	525.....	525
Declaring that any Senator who has since his election accepted the office of enrolling or drafting commissioner, is ineligible to his seat as Senator.....	324	[norty reports.	.....	325
Declaring Thomas M. Browne entitled to his seat.....	325	Com. on elections, Mi-	524.....	325
Declaring Timothy K. Fickinson entitled to his seat.....	325	Committee on elections.	326.....	325
Inviting Gen. Nathan Kimball to a seat in the Senate.....	327	Cobb.....	.....	327
Instructing the Doorkeeper to purchase postage stamps.....	338	Cobb.....	.....	327
Granting leave to Committee to visit the Southern Prison.....	338	Ferguson.....	329.....	328
Relative to the distribution of arms throughout the State by the Governor.....	339	Curlin.....	331.....	329
Limiting the time members may speak.....	340	Johnson.....	.....	329
Relative to holding night sessions.....	342	Browne of Randolph.....	361, 366.....	332

# RESOLUTIONS OF THE SENATE.—Continued.

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SUBJECT-MATTER OF.		Introduced.	By whom introduced.	Other Proceedings.	Adopted.
Inquiring into the expediency of reporting a bill providing for the transferring of insane persons from the State prisons	358	Murray.			358
Instructing the Committee on Claims to make inquiry respecting the purchase of books for the library of the Northern State Prison, by Prof. Fletcher, late Superintendent of Public Instruction, from Wittenmore & Co.	358	Browne of Randolph.		757.	358
Requesting the Governor to communicate to the Senate what action he has taken under the act approved April 1, 1861, what amount of money he has borrowed, of whom, &c., and the number and kind of arms purchased under said act.	409	Wolfe			409
To appoint a committee to compile and report a statement of the annual expense of each prison for the last two years	437	Ferguson			437
Relative to adjournment	450	Mellet		451.	450
Requesting the Governor, our Senators and Representatives in Congress to use their influence with the War Department to grant furloughs to the sick and wounded soldiers of Indiana	451	Murray.			452
Relating to leave of absence.	467	Browne of Randolph.			
Instructing the Committee on Federal Relations, to which was referred Senate joint resolution No. 6, to report, and to embrace in their report certain propositions.	467	Claypool.		469.	
Requesting the House to return to the Senate, instantler, Senate bill No. 111.	477	Brown of Wells.		478.	
To adjourn over.	488	Claypool.			488
Declaring that Charles L. Murray is not entitled to his seat.	497	Johnson.			497
Declaring that John H. Baker is entitled to a seat as Senator from the counties of Elkhart and Lagrange.	504	Committee on Elections.		732, 738.	
Directing the Doorkeeper to bring in the absentees.	504	Committee on Elections.		505, 732, 739.	
Requesting the Governor to report to the Senate the arrears due the soldiers of the State of Indiana.	501	Brown of Wells.			501
Instructing the Doorkeeper to contract for the "Brevier Legislative Reports"	512	Hord		758.	512
Allowing <i>per diem</i> and mileage to J. H. Baker and W. E. Dills.	521	Corbin.		522.	522
Restricting members to five minutes in debate.	522	Downey.			522
Upon national affairs.	522	Shields.			564
Requesting the Governor to inform the Senate whether or not the laws now in force are sufficient in regard to deserters from the army	571	Downey.		574.	
With regard to adjourning <i>à la fois</i> , in consequence of the conduct of the minority in the House.	579	Cobb.			579
Instructing the Doorkeeper to procure postage stamps	626	Cobb.		626.	
Instructing the Doorkeeper to procure and lay on the tables of Senators the printed copies of the memorial of the Army of the Cumberland.	681	Bearss.			681
Directing the Principal Secretary of the Senate to make out for publication a list of the titles of all bills introduced into the Senate at its present session, &c.	681	Browne of Randolph.			681
	690	Bradley			690



Directing the Auditor of State to draw his warrant upon moneys appropriated for Legislative expenses in favor of such members of the Senate Prison Committee as visited the same.....	690	Finch.....	690, 694.....	695
Allowing James Wyatt for expenses of flag.....	690	Ray.....	691, 753.....	691
Allowing pay to the Principal and Assistant Secretaries of the Senate for preparing index.....	690	Bradley.....	.....	690
Respecting the death of the late Prof. Miles Fletcher.....	695	Downey.....	.....	695
On National Affairs.....	701	Committee on Federal Relation. Majority Rep't.....	703, 704, 705, 707, 708, 709	714
		Minority Report.....	710, 711, 712, 713, 714.....	
To appoint a special committee to investigate the transactions, &c., in the State Quartermaster's Department, &c..	715	Brown, of Wells.....	716, 717, 718, 765.....	718
To appoint an auditing committee.....	720	Browne, of Randolph.....	721, 755, 164.....	726
Allowing additional pay to the Principal and Assistant Secretaries of the Senate, and their employees, &c..	724	Dunning.....	724, 725, 726.....	736
Tendering the thanks of the Senate to the Hon. Paris C. Dunning.....	726	Claypool.....	.....	749
For the payment of M. H. Good and others.....	735	Com. on Finance.....	741, 742, 743, 749.....	739
Relative to compiling the Roll of Honor and Patriotic Dead of Indiana, &c..	739	Claypool.....	.....	739
Ordering the printing of 1,000 copies of the joint resolutions relating to the registry of deceased soldiers.....	737	March.....	.....	749
Tendering the thanks of the Senate to the pages.....	749	Claypool.....	.....	
To inquire into the amounts of money raised by the sale of sutlers' stands.....	751	Military Committee.....	.....	
Directing the Attorney General to investigate whether any money has been illegally paid out of the State Treasury since the passage of the salary act of May, 1859.....	755	March.....	.....	759
Adding Senators Wolfe and Browne of Randolph to the committee to investigate the Quartermaster Department, &c..	765	New.....	.....	765
Allowance to James H. Vawter and Samuel R. Hamill for extra services.....	766	McClurg.....	.....	766
Allowing extra pay to the employees of the Principal and Assistant Secretaries of the Senate.....	766	Browne of Randolph.....	.....	766
Relative to public documents ordered to be printed.....	766	Bradley.....	.....	766
Allowing extra pay to the Doorkeeper, and the Assistant Doorkeeper, and their employees.....	767	McClurg.....	.....	767
Directing the Secretary of State to have printed 25,000 copies each of the school and road laws.....	767	McClurg.....	.....	767
Adding the Senator from Monroe and the Senator from Marion to the Auditing Committee.....	768	Gifford.....	.....	768
Directing the State Librarian to take charge of books, &c., after the adjournment.....	768	March.....	.....	768
Allowance to W. B. Ogile.....	768	Williams.....	.....	768
Allowance to Joseph J. Bingham, State Printer.....	769	Fleming.....	.....	769
Allowance to the widow of the late deceased Senator Shoulders.....	769	Johnson.....	769.....	769
Authorizing the Governor, Auditor, and Treasurer of State to appoint a commissioner.....	769	Marshall.....	.....	769
Instructing the Secretary of the Senate to give a certificate to Howard Coe.....	769	Gifford.....	.....	769
Authorizing the Secretary of State to procure and send to members two copies of the Brevier Legislative Reports.....	770	New.....	.....	770
Appointing a committee to wait on the Governor.....	770	Ferguson.....	.....	770
Relative to adjournment.....	770	Browne of Randolph.....	.....	770
Allowance to Harry Ray.....	776	Douglass.....	.....	776
Allowance to James A. Dunning.....	776	Browne of Randolph.....	.....	776
To adjourn <i>sine die</i> .....	776	Browne of Randolph.....	.....	776















